

Panaji, 2nd July, 2015 (Ashada 11, 1937)

SERIES II No. 14

# OFFICIAL GAZETTE

## GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

*Note:- There is one Extraordinary issue to the Official Gazette, Series II No. 13 dated 25-06-2015 namely, Extraordinary dated 26-06-2015, from pages 329 to 330 regarding Notification from Goa Legislature Secretariat.*

### GOVERNMENT OF GOA

#### Department of Agriculture

Directorate of Agriculture

#### Notification

No. 3/4/P&E/Plan/40/2015-16/D.Aagri/91

Ref.: Notification No. 3/4/P&E/Plan/40/2015-16/  
/D.Aagri/63 dated 20th May, 2015.

In supersession to above Notification, Government is pleased to re-constitute a Task Force on Agriculture Development for the State of Goa under the Chairmanship of Secretary (Agriculture).

The composition of the Task Force is as under:

- |  |   |                       |
|--|---|-----------------------|
| 1. Secretary (Agriculture),<br>Government of Goa | — | Chairman.             |
| 2. Director (Animal Husbandry)                   | — | Member.               |
| 3. Director (Fisheries)                          | — | Member.               |
| 4. Director (ICAR)                               | — | Member.               |
| 5. Registrar of Co-operative<br>Societies        | — | Member.               |
| 6. Chairman, Apex Co-operative<br>Societies      | — | Member.               |
| 7. NABARD representative                         | — | Member.               |
| 8. Lead Bank representative                      | — | Member.               |
| 9. Director of Agriculture,<br>Government of Goa | — | Member-<br>-Convener. |

Directorate of Agriculture, Krishi Bhavan,  
Tonca-Caranzalem-Goa shall be the Nodal  
Department.

The terms of reference of the Task Force are as given below:

- i) To co-ordinate and develop synergy with the Task Force on Agriculture Development constituted by Government of India under the Chairmanship of Vice-Chairman of NITI Aayog.
- ii) To formulate strategies for reforms, innovations and Agriculture Technology diffusion for the State of Goa.
- iii) To seek required financial, technological and any other assistance from Government of India for State Agriculture development.

The State Task Force on Agriculture Development shall meet regularly to discuss the State Agriculture issues.

This issues with the approval of Government.

By order and in the name of the Governor  
of Goa.

*Orlando Rodrigues*, Director & ex officio Joint  
Secretary (Agriculture).

Tonca-Caranzalem, 16th June, 2015.

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#### Department of Co-operation

Office of the Registrar of Co-operative Societies

#### Order

No. 3-1-81/EST/RCS/(part)/864

Read: Order No. 8-80-2006/EST/RCS/4410 dated  
31-03-2015.

The Government is pleased to transfer Shri Uday V. Vaidya, Assistant Registrar of Co-op. Societies, Camp Court, Goa Urban Co-op. Bank Ltd., Panaji to the office of the Assistant Registrar of Co-op. Societies, North Zone, Mapusa, and relieved from the charge of Camp Court, Goa Urban Co-op. Bank Ltd., Panaji.

Shri P. A. Parab, Assistant Registrar of Co-op. Societies, Central Zone, Panaji shall hold the additional charge of Assistant Registrar of Co-operative Societies, Camp Court, Goa Urban Co-op. Bank Ltd., Panaji until further orders.

Shri P. A. Parab, Assistant Registrar of Co-op. Societies, Central Zone, Panaji shall move first.

By order and in the name of the Governor of Goa.

*Narayan Sawant*, Registrar & ex officio Joint Secretary (Co-op. Societies).

Panaji, 11th June, 2015.

Office of the Asstt. Registrar of Co-operative Societies

#### Notification

No. 5-1607-2015/ARSZ

In exercise of the powers vested in me under Section 8 of the Goa Co-operative Societies Act, 2001, "The Vastu Arolkar Apartments "Block C" Co-op. Housing Society Ltd., Mercas Vaddo, Vaddem, Vasco-da-Gama, Goa" is registered under code symbol No. HSG-(b)-955/South-Goa/2015.

Sd/- (A. K. N. Desai), Asstt. Registrar of Co-op. Societies (South Zone).

Margao, 26th March, 2015.

#### Certificate of Registration

"The Vastu Arolkar Apartments "Block C" Co-op. Housing Society Ltd., Mercas Vaddo, Vaddem, Vasco-da-Gama, Goa" has been registered on 26-03-2015 and it bears registration code symbol No. HSG-(b)-955/South Goa/2015 and it is classified as "Housing Society" under sub-classification No. 7-(b)-Co-partnership Housing Society in terms of Rule 8 of Goa Co-operative Societies Rules, 2003.

Sd/- (A. K. N. Desai), Asstt. Registrar of Co-op. Societies (South Zone).

Margao, 26th March, 2015.

#### Notification

No. 5-1608-2015/ARSZ/GEN

In exercise of the powers vested in me under Section 8 of the Goa Co-operative Societies Act, 2001, "The Ekta Self Help Group Co-op. Society Ltd., Old Housing Board, Gogol, Margao-Goa," is

registered under code symbol No. GEN-(c)-150/South-Goa/2015.

Sd/- (A. K. N. Desai), Asstt. Registrar of Co-op. Societies (South Zone).

Margao, 27th May, 2015.

#### Certificate of Registration

"The Ekta Self Help Group Co-op. Society Ltd., Old Housing Board, Gogol, Margao-Goa," has been registered on 27-05-2015 and it bears registration code symbol No. GEN-(c)-150/South Goa/2015 and it is classified as "General Society" under sub-classification No. 12-(c)-Other Society in terms of Rule 8 of Goa Co-operative Societies Rules, 2003.

Sd/- (A. K. N. Desai), Asstt. Registrar of Co-op. Societies (South Zone).

Margao, 27th May, 2015.

#### Notification

No. 5-1609-2015/ARSZ/HSG

In exercise of the powers vested in me under Section 8 of the Goa Co-operative Societies Act, 2001, "The Aman Desire Co-operative Housing Maintenance Society Ltd., Suryanagar Colony, Behind MES College, Zuarinagar, Sancoale, Goa," is registered under code symbol No. HSG-(d)-956/South-Goa/2015.

Sd/- (A. K. N. Desai), Asstt. Registrar of Co-op. Societies (South Zone).

Margao, 12th May, 2015.

#### Certificate of Registration

"The Aman Desire Co-operative Housing Maintenance Society Ltd., Suryanagar Colony, Behind MES College, Zuarinagar, Sancoale, Goa," has been registered on 12-05-2015 and it bears registration code symbol No. HSG-(d)-956/South-Goa/2015 and it is classified as "Housing Society" under sub-classification No. 7-(d)-Co-operative Housing Maintenance Society, in terms of Rule 8 of Goa Co-operative Societies Rules, 2003.

Sd/- (A. K. N. Desai), Asstt. Registrar of Co-op. Societies (South Zone).

Margao, 12th May, 2015.

#### Notification

No. 5-1610-2015/ARSZ/HSG

In exercise of the powers vested in me under Section 8 of the Goa Co-operative Societies Act,

2001, "The Sapana Imperial Co-operative Housing Maintenance Society Ltd., Betalbatim, Salcete-Goa" is registered under code symbol No. HSG-(d)-957/South-Goa/2015.

Sd/- (A. K. N. Desai), Asstt. Registrar of Co-op. Societies (South Zone).

Margao, 15th May, 2015.

#### Certificate of Registration

"The Sapana Imperial Co-operative Housing Maintenance Society Ltd., Betalbatim, Salcete-Goa" has been registered on 15-05-2015 and it bears registration code symbol No. HSG-(d)-957/South-Goa/2015 and it is classified as "Housing Society" under sub-classification No. 7-(d)-Co-operative Housing Maintenance Society, in terms of Rule 8 of Goa Co-operative Societies Rules, 2003.

Sd/- (A. K. N. Desai), Asstt. Registrar of Co-op. Societies (South Zone).

Margao, 15th May, 2015.

#### Notification

No. 5-1611-2015/ARSZ/HSG

In exercise of the powers vested in me under Section 8 of the Goa Co-operative Societies Act, 2001, "The Gadegaal Hills "Block C" Co-op. Housing Society Ltd., Zorint Zuarinagar, Sancoale, Goa" is registered under code symbol No. HSG-(b)-958/South-Goa/2015.

Sd/- (A. K. N. Desai), Asstt. Registrar of Co-op. Societies (South Zone).

Margao, 15th May, 2015.

#### Certificate of Registration

"The Gadegaal Hills "Block C" Co-op. Housing Society Ltd., Zorint Zuarinagar, Sancoale, Goa" has been registered on 15-05-2015 and it bears registration code symbol No. HSG-(b)-958/South-Goa/2015 and it is classified as "Housing Society" under sub-classification No. 7-(b)-Co-partnership Housing Society in terms of Rule 8 of Goa Co-operative Societies Rules, 2003.

Sd/- (A. K. N. Desai), Asstt. Registrar of Co-op. Societies (South Zone).

Margao, 15th May, 2015.

#### Notification

No. 5-1612-2015/ARSZ/HSG

In exercise of the powers vested in me under Section 8 of the Goa Co-operative Societies Act,

2001, "The Hemusha Chambers Co-operative Housing Society Ltd., Malbhat, Margao-Goa", is registered under code symbol No. HSG-(b)-959/South-Goa/2015.

Sd/- (A. K. N. Desai), Asstt. Registrar of Co-op. Societies (South Zone).

Margao, 15th May, 2015.

#### Certificate of Registration

"The Hemusha Chambers Co-operative Housing Society Ltd., Malbhat, Margao-Goa" has been registered on 15-05-2015 and it bears registration code symbol No. HSG-(b)-959/South-Goa/2015 and it is classified as "Housing Society" under sub-classification No. 7-(b)-Co-partnership Housing Society in terms of Rule 8 of Goa Co-operative Societies Rules, 2003.

Sd/- (A. K. N. Desai), Asstt. Registrar of Co-op. Societies (South Zone).

Margao, 15th May, 2015.

#### Notification

No. 5-1613-2015/ARSZ/HSG

In exercise of the powers vested in me under Section 8 of the Goa Co-operative Societies Act, 2001, "The Akar Excelsior Co-operative Housing Society Ltd., Vanelim, Colva, Salcete-Goa", is registered under code symbol No. HSG-(b)-960/South-Goa/2015.

Sd/- (A. K. N. Desai), Asstt. Registrar of Co-op. Societies (South Zone).

Margao, 15th May, 2015.

#### Certificate of Registration

"The Akar Excelsior Co-operative Housing Society Ltd., Vanelim, Colva, Salcete-Goa", has been registered on 15-05-2015 and it bears registration code symbol No. HSG-(b)-960/South-Goa/2015 and it is classified as "Housing Society" under sub-classification No. 7-(b)-Co-partnership Housing Society in terms of Rule 8 of Goa Co-operative Societies Rules, 2003.

Sd/- (A. K. N. Desai), Asstt. Registrar of Co-op. Societies (South Zone).

Margao, 15th May, 2015.

#### Notification

No. 5-1614-2015/ARSZ/HSG

In exercise of the powers vested in me under Section 8 of the Goa Co-operative Societies Act,

2001, "The Kurtarkar Excellency Co-operative Housing Maintenance Society Ltd., Housing Board Road, Gogol, Margao-Goa", is registered under code symbol No. HSG-(d)-961/South-Goa/2015.

Sd/- (A. K. N. Desai), Asstt. Registrar of Co-op. Societies (South Zone).

Margao, 22nd May, 2015.

#### Certificate of Registration

"The Kurtarkar Excellency Co-operative Housing Maintenance Society Ltd., Housing Board Road, Gogol, Margao-Goa", has been registered on 22-05-2015 and it bears registration code symbol No. HSG-(d)-961/South-Goa/2015 and it is classified as "Housing Society" under sub-classification No. 7-(d)-Co-operative Housing Maintenance Society in terms of Rule 8 of Goa Co-operative Societies Rules, 2003.

Sd/- (A. K. N. Desai), Asstt. Registrar of Co-op. Societies (South Zone).

Margao, 22nd May, 2015.

#### Notification

No. 5-1615-2015/ARSZ/HSG

In exercise of the powers vested in me under Section 8 of the Goa Co-operative Societies Act, 2001, "The SD Charisma Co-operative Housing Maintenance Society Ltd., Sasmollem, Baina, Vasco-da-Gama, Goa", is registered under code symbol No. HSG-(d)-962/South-Goa/2015.

Sd/- (A. K. N. Desai), Asstt. Registrar of Co-op. Societies (South Zone).

Margao, 22nd May, 2015.

#### Certificate of Registration

"The SD Charisma Co-operative Housing Maintenance Society Ltd., Sasmollem, Baina, Vasco-da-Gama, Goa", has been registered on 22-05-2015 and it bears registration code symbol No. HSG-(d)-962/South-Goa/2015 and it is classified as "Housing Society" under sub-classification No. 7-(d)-Co-operative Housing Maintenance Society, in terms of Rule 8 of Goa Co-operative Societies Rules, 2003.

Sd/- (A. K. N. Desai), Asstt. Registrar of Co-op. Societies (South Zone).

Margao, 22nd May, 2015.

#### Notification

No. 5-1616-2015/ARSZ/HSG

In exercise of the powers vested in me under Section 8 of the Goa Co-operative Societies Act, 2001, "The Royal's Francisco Residency Co-operative Housing Society Ltd., Mercês, Vaddem, Vasco-da-Gama, Goa", is registered under code symbol No. HSG-(b)-963/South-Goa/2015.

Sd/- (A. K. N. Desai), Asstt. Registrar of Co-op. Societies (South Zone).

Margao, 26th May, 2015.

#### Certificate of Registration

"The Royal's Francisco Residency Co-operative Housing Society Ltd., Mercês, Vaddem, Vasco-da-Gama, Goa", has been registered on 26-05-2015 and it bears registration code symbol No. HSG-(b)-963/South-Goa/2015 and it is classified as "Housing Society" under sub-classification No. 7-(b)-Co-Partnership Housing Society, in terms of Rule 8 of Goa Co-operative Societies Rules, 2003.

Sd/- (A. K. N. Desai), Asstt. Registrar of Co-op. Societies (South Zone).

Margao, 26th May, 2015.

### Department of Education, Art & Culture

#### Directorate of Education

#### Order

No. 1(2)-22-2005/SE/Part/860

On the recommendation of the Goa Public Service Commission conveyed vide their letter No. COM/II/115(4)/2014/815 dated 28-11-2014, Government is pleased to promote on regular basis, the following Dy. Education Officer/Principals of Govt. Higher Secondary Schools/Vocational Education Officer/Dy. Director, S.I.E. to the post of Asstt. Director of Education, Group 'A', Gazetted in the Directorate of Education in the pay scale of Rs. 15,600-39,100 + Grade Pay of Rs. 7,600/- + 02 non-compounded increments thereby fixing the initial pay in the pay band, with immediate effect.

1. Smt. Maria Rose G. D'Souza.
2. Shri Ishwar R. Patil.



The posting on above promotees is as under:

Sr. No.	Name and Designation of the post/presently working	Place of posting
1.	Ms. Maria Rose G. D'Souza, Asstt. Director of Education (Vocational) (ad hoc), Vocational Section, Directorate of Education, Porvorim	Asstt. Director of Education (Adm. III) Directorate of Education Porvorim, thereby relieving Shri Shailesh R. Sinai Zingde, Dy. Director of Education of additional charge.
2.	Shri Ishwar R. Patil, Vocational Education Officer, Directorate of Education, Porvorim	Asstt. Director of Education (Vocational), Directorate of Education, Porvorim.

The above officers shall be on probation for a period of two years.

By order and in the name of the Governor of Goa.

*Gajanan P. Bhat*, Director & ex officio Joint Secretary (School Education).

Porvorim, 30th April, 2015.

Order

No. 1(2)-5-2001/SE/EDN/Part-II/884

Government is pleased to transfer Shri Ramkrishna S. Samant, Dy. Director of Education, South Educational Zone, Margao and to post him against the vacant post of Dy. Director of Education (Planning/Vocational) in the Directorate, Porvorim, with immediate effect, in public interest.

He shall report to the place of posting immediately.

By order and in the name of the Governor of Goa.

*Gajanan P. Bhat*, Director & ex officio Joint Secretary.

Porvorim, 4th June, 2015.

Directorate of Technical Education  
College Section

Order

No. 16/188/ACPS/GEC/05/602

On the recommendation of the Departmental Screening Committee, the Government of Goa is pleased to grant Shri Sunil G. Raut, Stores Officer, Goa Engineering College, Farmagudi, Ponda-Goa, 2nd Financial upgradation on completion of 20 years of regular service under "Modified Assured Career Progression

Order

No. 1(2)-24/2005/SE/Part-II/891

Government is pleased to appoint Shri Anil V. Powar as State Project Director, Goa Sarva Shiksha Abhiyan, Porvorim-Goa with immediate effect.

The terms, conditions, period of his appointment and remuneration shall be subject to concurrence of Finance Department and approval of Cabinet.

By order and in the name of the Governor of Goa.

*Gajanan P. Bhat*, Director & ex officio Joint Secretary.

Porvorim, 10th June, 2015.

Addendum

No. 1(2)-22-2005/SE/Part/881

Read: Order No. 1(2)-22-2005/SE/Part/860 dated 30-04-2015.

The following paras may be added in the above cited order after the last para of the Order:-

"They shall exercise option for fixation of pay within one month from the date of promotion in terms of FR.22(I)(a)(1)."

"They shall give acceptance for the above promotion in writing on or before 02-06-2015, and report to the place of posting immediately, failing which, it will be treated as refusal of promotion by the promoted Officer and the Officer concerned shall be debarred for promotion for a period of one year from the date of refusal of promotion or till a next vacancy arises whichever is later."

By order and in the name of the Governor of Goa.

*Gajanan P. Bhat*, Director & ex officio Joint Secretary (School Education).

Porvorim, 29th May, 2015.

Scheme" w.e.f. 22-04-2013 in terms of Circular No. 1/1/82-PER(Part-VI) dated 06-08-2009 from Department of Personnel, Government of Goa, Secretariat, Porvorim-Goa.

Sr. No.	Name & designation of the official	Date of appointment	MACPS Pay Scale	Completion of 20 years of service	Eligible date for grant of 2nd upgradation under MACPS Scale
1.	Shri Sunil G. Raut, Stores Officer, Goa College of Engineering, Farmagudi, Ponda-Goa	22-04-1993	Rs. 15,600-39,100+ GP 7,600/-	22-04-2013	22-04-2013.

The above employee may exercise an option, if he so desires, within one month from the date of issue of the order for fixing his pay in the M.A.C.P. Scheme scale.

The expenditure on their pay and allowances shall be debited to the Budget Head under which his salary is drawn.

By order and in the name of the Governor of Goa.

*Vivek B. Kamat*, Director & ex officio Addl. Secretary (Technical Education).

Porvorim, 22nd May, 2015.



### Department of Finance

Revenue & Control Division

Directorate of Accounts

#### Order

No. DA/Admn/45-5/2015-2016/26/TR-521

The Government is pleased to order the transfer and posting of the following Dy. Director of Accounts/Accounts Officers under Common Accounts Cadre as shown below with immediate effect in public interest.

Sr. No.	Name of the Assistant Accounts Officer	Present place of posting	Proposed place of posting/Additional charge
1	2	3	4
1.	Shri Surya Chodankar	River Navigation Department, Betim-Goa	Goa Sarva Shiksha Abhiyan, Porvorim-Goa (on deputation).
2.	Smt. Sandhya Korde	Goa Sarva Shiksha Abhiyan (South), Margao-Goa (on deputation)	River Navigation Department, Betim-Goa.

1	2	3	4
3.	Shri Pedro Vaz	South Goa Zilla Panchayat, Margao-Goa (on deputation)	Additional charge of the post of Dy. Director of Accounts/Accounts Officer in Goa Sarva Shiksha Abhiyan (South), Margao-Goa.

Deployment of Shri Surya Chodankar will be on deputation basis initially for a period of one year in the first instance from the date of taking over the charge and shall be regulated as per the standard terms of deputation contained in the Office Memorandum O.M. No. 13/4/74-PER dated 20-11-2013 of the Department of Personnel, Government of Goa. The Goa Sarva Shiksha Abhiyan, Porvorim-Goa shall be liable to pay to the Government leave salary and pension contribution in respect of Shri Surya Chodankar at the prescribed rates. On expiry of the deputation period, the Officers shall necessarily be relieved to report back to the Department, unless the deputation period is extended by the competent authority. In the event the officer overstays for any reason whatsoever, he will be liable for disciplinary action and other adverse civil/service consequences.

The deputation term in respect of Smt. Sandhya Korde, Dy. Director of Accounts/Accounts Officers stands curtailed up to the date she stands relieved from Goa Sarva Shiksha Abhiyan, Porvorim-Goa.

On joining their new assignments, the officers shall send CTC/Joining Report to this Directorate immediately for records.

By order and in the name of the Governor of Goa.

*G. P. Kanekar*, Director & ex officio Joint Secretary.

Porvorim, 3rd June, 2015.

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**Department of Forest**

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**Notification**

No. 5-3-2015/FOR/135

The Government of Goa is pleased to notify Monday as a weekly holiday for the up keep/ maintenance work of the Bondla Zoo. The entry timings for the general public to visit Bondla Zoo every day, except on Monday are as under:-

Visiting days	Entry timings
Tuesday to Sunday	9.00 a.m. to 5.00 p.m.
Monday	weekly holiday.

The above entry timings and weekly holiday shall come into force with immediate effect.

By order and in the name of the Governor of Goa.

*Fransquinha Oliveira*, Under Secretary (Forests).

Porvorim, 2nd June, 2015.

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**Department of Home**

Home—General Division  
Office of the Director General of Police

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**Order**

No. CA-I/108(P)/Vol.IV/4986/2015

As per the decision of the Police Establishment Board, the below mentioned Police Inspectors are hereby promoted to the post of Junior Scale Officers (Deputy Superintendent of Police) of Goa Police Service in Pay Band—3 ` 15,600-39,100 and

Grade Pay ` 5,400/- purely on ad hoc basis, with immediate effect:-

Sl. No.	Name	Place of posting
1.	Shri Mohandas D. Naik	Harbour Coastal PS.
2.	Shri Kiran J. Poduval	Deputation to Goa Human Rights Commission, Panaji.

2. The ad hoc promotion shall be for a period of one year or till the vacancies are filled on regular basis, whichever is earlier.

3. The ad hoc promotion shall not bestow the promoted officers any claim for regular appointment and the service rendered on ad hoc basis in the grade will not count for the purpose of seniority in that grade for eligibility for promotion to the next higher grade.

*T. N. Mohan*, IPS, Director General of Police (Goa).

Panaji, 13th May, 2015.

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**Order**

No. ES-I(A)/Dy SPs/5415/2015

On promotion to the post of Dy. Superintendent of Police, Shri Mohandas D. Naik, presently at Harbour Coastal PS is hereby posted to Dy SP, Konkan Railway with immediate effect, in public interest.

2. This issues with the approval of the Police Establishment Board.

*V. U. Borkar*, Superintendent of Police, HQ.

Panaji, 25th May, 2015.

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**Department of Industries**

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**Order**

No. 3/19/2009-IND

On recommendation of the Departmental Promotional Committee as conveyed by the Goa Public Service Commission vide their letter No. COM/II/12/25(1)/2014/1007 dated 12-05-2015, the Governor of Goa is pleased to lift the probation of Shri M. A. G. Muzawar, Industries Officer (Group 'B', Gazetted) in the pay scale of PB ` 9,300-34,800

plus Grade Pay of ` 4,200/- with effect from 7-4-2013.

By order and in the name of the Governor of Goa.

*Shashank V. Thakur*, Under Secretary (Industries).

Porvorim, 11th June, 2015.

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Department of Labour

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Notification

No. 28/1/2015-Lab/586

The following award passed by the Industrial Tribunal and Labour Court, at Panaji-Goa on 02-04-2015 in reference No. IT/32/91 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

*Shashank V. Thakur*, Under Secretary (Labour).  
Porvorim, 12th June, 2015.

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IN THE INDUSTRIAL TRIBUNAL AND  
LABOUR COURT  
GOVERNMENT OF GOA  
AT PANAJI

(Before **Ms. Bimba K. Thaly**, Presiding Officer)

Ref. No. IT/32/91

Shri M. F. J. Paes ... Workman/Party I  
"Mygem" Near church,  
Baina, Vasco-da-Gama

v/s

M/s. V. M. Salgaokar ... Employer/Party II  
& Bro. Ltd.,  
Vasco-da-Gama

Adv. Shri G. B. Kamat for Party I.  
Adv. Shri M. S. Bhandodkar for Party II.

AWARD

(Passed on 2nd day of April, 2015)

In exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (for Short The Act) the Government of Goa by order dated 9-7-1991 bearing No. 28/22/91-LAB has referred the following dispute for adjudication by this Tribunal.

(a) "Whether Shri M. F. J. Paes, employee of M/s. V. M. Salgaokar and Bro. Ltd., Vasco-da-Gama, Goa is a "WORKMAN" within the meaning of Section 2(s) of the Industrial Disputes Act, 1947 (Central Act 14 of 1947)?

(b) If the answer to (a) above is affirmative, than "whether the action of the management of M/s. V. M. Salgaokar & Bro. Ltd., Vasco-da-Gama, Goa in terminating the services of Shri. M. F. J. Paes, with effect from 23-11-1990 is legal and justified?

If not, to what relief the workman is entitled ?"

2. On receipt of the reference, IT/32/91 was registered. Notices were issued to both the parties, upon which both were served. Party I filed the claim statement at Exb. 4. Party II filed the written statement at Exb. 6. Party I filed the rejoinder at Exb. 7.

3. It is in short the case of Party I that he was employed with Party II since 5-3-1960 in the clerical post in Accounts Department. It is stated that with effect from 1-5-1986, Party I was designated as Exec-Accounts and the nature of his predominant duties was to attend routine clerical work in cash section of Accounts Department under the instructions and supervision of Manager-Accounts and General Manager Accounts; to attend routine correspondence relating to cash and bank transactions and filing work in cash section; to hold imprest cash and to make payments there from with prior approval of superiors; to issue receipts as treasurer, for cheques, demand drafts and pay orders etc., received in cash section and to attend various types of clerical work performed by other employees in Accounts Department during urgency or whenever concerned employee/s was/ were not available to do the work. It is stated that the Party II terminated the services of Party I from 23-11-90 under the letter of the said date without assigning any reason for the termination. It is stated that at the time of termination of his services, Party I was drawing wages at the rate of Rs. 3,750/- p.m. It is stated that the above order of the termination of his services is wrongful, illegal, bad in law and inoperative as it is by way of punitive discharge and is passed without following principles of natural justice and/or without holding inquiry, that it is by way of invalid retrenchment, that it is malafide and is passed by way of victimization



and it is neither legal nor just. Thus, amongst above and other grounds, Party I has prayed for setting aside of said order dated 23-11-90 and to direct Party II to reinstate him in his post with continuity in service, back wages and all other consequential and incidental benefits.

4. In the written statement, Party II while denying the case set up by Party I has stated that the entire reference is bad in law and not maintainable as Mr. Paes is not a workman u/s 2(s) of the Act and by virtue of duties allotted to him, he was predominantly and mainly performing the duties of managerial and/or administrative and/or supervisory duties and was drawing a salary of Rs. 3,750/- p.m. It is stated that therefore the entire reference is bad in law and not maintainable. It is stated that Party I as Executive Accounts was a head of cash section and about six employees were working under him. It is stated that Party I was in senior officers' grade and his duties amongst others were supervising the work of all persons working under him, allocating them work and supervising the work of the officer working under him. It is stated that Party I was also recommending leave of persons working under him as also the performances, effectiveness of the officer and the staff working under him and was also recommending their cases and promotions. It is stated that Party I was independently attending to the correspondences with the banks and other agencies relating to treasury work. It is stated that Party I was authorized to sign the receipts and vouchers towards the withdrawal of cash from the banks. It is stated that as a Departmental Head of the cash section, Party I was overall in charge of the cash movement in his Department. It is stated that Party I apart from salary, was drawing all benefits, perquisites applicable to senior officers of the company. It is stated that Party I has no case and no case exists for granting any relief as prayed for.

5. In the rejoinder Party I has denied the defence put forward by Party II.

6. On the basis of above averments of the respective parties issues dated 22-4-92 at Exb. 8 were framed.

7. During evidence, Party I Shri M. F. J. Paes besides examining himself as witness No. 1, examined Shri John Peter Carvalho as witness No. 2 and closed the case. On the other hand Party II examined Shri Ghaneshyam Balwant Halkar as their witness and closed the case.

8. Both the parties filed written submissions which are on record. Ld. Advocate for Party II besides filling written submissions, advanced brief oral arguments.

9. I have gone through the records of the case and have duly considered the arguments of both the parties. I am reproducing here with the issues alongwith their findings and reasons thereof.

Sr. No.	Issues	Findings
1.	Whether Party I Shri Paes proves that he is a workman as defined in section 2(s) of the Industrial Disputes Act, 1947?	Positive.
2.	If yes, whether the order of termination passed against him by Party II is legal and justified?	Negative.
3.	If not, whether Party I workman is entitled to any relief's claimed by him.	Party I is entitled to the relief's as per order below.
4.	What award or order?	As per order below.

#### REASONS

10. *Issue No. 1:* As rightly pointed out by the Ld. Advocate for Party II since the terms of reference by itself require this court to adjudicate as to whether Party I is a "workman" within the meaning of section 2(s) of the Act, initial burden is on Party I to prove his status as 'workman' u/s 2(s) of the Act. It is observed in the judgment in the case of **T. Galande v/s P. O. Ind Labour Court, Pune 2008 (I) CLR 656** that the onus lies upon the workman to prove that he satisfies the essential ingredients of being a workman and, therefore, could raise an industrial dispute. Thus it is required to see if Party I has succeeded in establishing his status as "workman" u/s 2(s) of the Act.

11. It has not been disputed that the dominant nature of work performed by the employee must be the first test for consideration as to whether an employee is a workman or not as defined u/s 2(s) of the Act. The above principle has been culled out in the judgment in the case of **R. A. Gonsalves (Since deceased) through heirs v/s Hotel Corporation of India Ltd., Anr. 2004 (3) Mh. L. J. 949**.

12. It may also be mentioned that the nomenclature does not in any manner establish the status of person working in an establishment and that the nature of work that the person performs is required to be considered, as held in the judgment in the case of **Jayhind Vithoba Mahadik v/s General Manager, Maharashtra scooters Ltd. 2004 (3) Mh. L.J. 733.**

13. Reference also to be needs to be made to the judgment in the case of **Mukand Ltd. v/s Mukand Staff & Officers' Association AIR 2004 SC 3905** in which it is held the question whether or not a person is a "workman" is not to be decided on the basis of the Grades in which the said person is placed but on the basis of his duties, responsibilities and powers.

14. I would also refer to the judgment in the case of **Union Carbide (India) Ltd., v/s D. Samuel & Ors. 1999 LLR 21** in which Hon'ble High Court of Bombay has referred to certain tests laid down by the Hon'ble Apex Court, to find out whether a particular person is a workman or not. It is observed in this judgment that a supervisor must be in a position to bind his employer in respect of a decision that he has taken or in exercise of such power have control on them.

15. Reference is also made to the judgment in the case of **S. K. Maini v/s Carona Sahu Co. Ltd. & Anr 1994 II CLR 359** in which it is held that whether or not an employee is a workman u/s 2 (s) of the Act, is required to be determined with reference to his principle nature of duties and functions and that designation of the employee is not important.

16. Thus, the evidence adduced in this case needs to be considered in the light of above and other judicial pronouncements, to find out if Party I has made out a case for coming within the meaning of Sec. 2(s) of the Act.

17. In his evidence Party I has stated that initially he was appointed by Party II as a clerk in the Account section. He has produced the copy of his appointment letter dated 25-2-1960 at Exb. W 1. He has stated that in the year 1964 he was promoted to the post of Sr. Clerk by letter dated 3-4-1964 which he has produced at Exb. W. 6. He has stated that in the year 1982 Party II classified Grade III as Grade B-II and has produced copy of letter dated 2-6-1982 (Exb. W-10) wherein Party I was informed by Party II that w.e.f. 1-1-1982 he was placed in Grade B- II. He has stated that he was then promoted to the post of "Executive Accounts" in Grade B-II

by letter dated 5-5-1986 which he has produced at Exb. W-11. He has stated that there after he was promoted to Grade B-1 by letter dated 30-1-1989 which letter he has produced at Exb. W-12. He has stated that his services were there after terminated with immediate effect by letter dated 23-11-1990 which he has produced at Exb. W-13. He has stated that at the time of termination of his services, he was drawing salary of Rs. 3,750/- p.m. and that except the notice pay, he was not paid any other dues by Party II. That it is clear that at the time of terminate of his service, Party I was in the post of 'Executive Accounts' Grade B-I.

18. Party I has stated that as a clerk he was under the supervision of General Manager of Accounts Section and in his absence he was reporting to the Manager of the Accounts Section. He has stated that as a clerk his duties were to draw the cheques, write the bank books, issue receipts, write the letter of Credit Register, Correspondence with the bank, check the veracity of the documents maintained by the Accounts Section, maintain the Bank Guarantee Register, make vouchers for withdrawal from the bank, of transfer from one bank to another bank, maintain Postage Register. He has stated that an amount of Rs. 2,000/- was kept with him for the purpose of meeting out the miscellaneous expenses. He has stated that one Mr. R. N. Kamat was the Chief Cashier and there were all together five persons in the cash section. He has stated that the work was allotted by General Manger, Accounts as also the sitting arrangement was done by him. He has stated that the filing of papers was done by him and in the absence of the concerned clerk he was also doing the work of attending the bank draft and also used to go to the bank for collecting cash etc. He has stated that in the absence of concerned employee he used to attend to bank reconciliation statement and sometimes used to help the concerned clerk in tallying the statement. He has stated that he also used to do the work of passing rectification entries in respect of the wrong entries in the Bank books and also used to check if the bank had charged correctly towards interest and other services. He has stated that at the end of every year he used to prepare a statement regarding the interest accrued which was receivable but not received and the bank charges which were due and not paid. He has stated that based on accounts statement prepared by him, he used to prepare general vouchers and the entries were also reversed by him in the books in the beginning of the year. He has stated that

he used to do the work regarding stopping of the cheques issued and pass the necessary entries on receipt of the information from the Bank. He has stated that the instructions regarding the stopping of cheques was issued to him by the Chief General Manager, for accounts. He has stated that he used to prepare the list of contingent liabilities based on Bank Guarantee Register maintain by him. He has stated that he used to write remittance advices as regards the transfer of funds from one account to another and from one bank to another so also he used to do the work of replacement of the cheque book as well as and maintained the Register of the entries made of delivery documents by hand. He has stated that he used to handle the work regarding the dispatching of cheques and postal correspondence. He has stated that he was attending the work as regards repayment of loan with interest to the Bank and other financial instructions. He has stated that he used to make note of post dated cheques and deposit the same in the bank on due dates and also ensure that there was sufficient fund in the account of Party II when post dated cheques were issued by Party II. He has stated that all the above work was being done by him as per the instructions from the Chief General Manager. He has stated that he used to maintain the Register regarding the documents such as promissory notes, bills of exchange and refer these documents to the concerned Departments through the head of his Department, for necessary action. He has stated that at the time when his services were terminated, one Mr. P. M. Kunde was the head of his Department.

19. In his cross examination he has denied the suggestion that he was the head of cash section and that Shri R. N. Kamat, was working under him as Chief Cashier. He has also denied the suggestion that Shri Dhaimodkar, Shri Nanu Nagvenkar, Shri Domingos Barreto, Shri Peter Carvalho, Shri Rege and Shri Rui George were working under him in the cash section. He has denied the suggestion that he was managing the cash section independently and that only if there was any difficulty, he used to approach the General Manager. He has denied the suggestion that he used to allot day to day work to the others working under him in the cash section. Party I was further denied the suggestion that the duplicate key of the safe was being kept by him. To the suggestion that Shri Peter Carvalho was doing the bank reconciliation and interest calculation, Party I has stated that Shri Peter Carvalho was doing only bank reconciliation

whereas he was doing interest calculation. He has also denied the suggestion that no Bank Guarantee Register was being maintained in the cash section. He has however admitted that the letters of credit and bank guarantees are very valuable documents for Party II. He has denied the suggestion that all the cheque books in the cash section were only in his custody and that he used to have the control over the issue of the cheques. He has stated that he used to maintain Revenue Stamp Register and has denied the suggestion that no Revenue Stamp Register is maintained in the pay roll section. He has denied the suggestion that he never collected cash from the bank; never prepared statement regarding the interest and bank charges accrued which were due and not paid and that the statement was prepared by the clerk and he used only to certify it. He has denied the suggestion that Mr. Peter Carvalho used to prepare the statement regarding the interest accrued. To the suggestion that he was responsible for the entire transaction in the cash section at the end of every year, Party I has stated that the transactions were day to day and only if there were wrong entries they could be corrected at the end of the year.

20. He has stated about the nature of work in the cash section which is of writing books of accounts, bank and cash scroll, issuing receipts, receiving cash, payment of cash, recording of all cash and bank receipts and payment, withdrawal of cash from the bank, disbursement of salaries and wages, dealing with all the banks IDBI, ICICI, other loans and bills of exchange, hundies and acceptance of hundies, transfers of funds to various banks according to company's needs from one bank to another, drawing cheques and receipts, making of vouchers and sending them to Data Processing Centre, preparing of monthly bank reconciliation statement of all banks, all correspondence pertaining to cash section, keeping the records of bank guarantees, filing work and other daily balances. He has denied that suggestion that it is the responsibility of the head of cash section to see that all the above mentioned work is properly done. He has stated that the head of cash section has to report to General Manager Accounts. He has denied the suggestion that for day to day working he was not required to report to General Manager Accounts. He has also denied the suggestion that he used to take independent decisions pertaining to cash section and only incase of some difficulties, he used to approach the General Manager Accounts. He has denied the suggestion that all the persons working in the cash section were working under his supervision

and control. He has also denied the suggestion that the clerk in his section used to prepare the statement of interest and he used to supervise the correctness of the said statement. He has also denied the suggestion that the statement of accounts pertaining to interest was being prepared by the clerk in his section. Further he has denied the suggestion that Party II has authorized him to issue instructions to the bank to stop the payment of the cheques issued by Party II. He has also denied the suggestion that he had the authority to issue instructions to one bank to transfer the money from that bank to another bank. He has stated that the bank does not issue a cheque book unless a requisition is made by the authorized person. He has denied the suggestion that he was authorized to sign the receipts and the vouchers towards the withdrawal of cash from the bank or that he was in charge of entire cash movement of the Party II. Upon being shown copy of letter dated 15-1-1966, Party I has admitted of having written this letter to the chairman of Party II and the same is marked as Exb. E-1.

21. Shri John Peter Carvalho, the witness of Party I has stated that he worked with Party II from 1958 to 1995 and in the year 1972 he was posted in the account section. He has stated that from the year 1990 or there about he worked as Chief Cashier and retired as such in the year 1995. He has stated that Party I worked with him in the cash section in the year 1972. He has stated that in the cash section, Party I was doing the work of filing, preparing vouchers, attending banks, writing the cheques, calculating the interest and bank charges and that Party I was working directly under the General Manager Shri P. M. Kunde. He has stated that Party I was doing the work alone and nobody was assisting him.

22. In his cross examination he has stated that he was promoted as sectional head in the cash section by letter dated 1-7-1986 (E-13). He has stated that when he was transferred to cash section, Party I was already working there and other employees who were working there were Shri Silveira, Shri Dhaimodkar, Shri R. N. Kamat, Shri Rui George and Shri N. Nagvenkar. He has stated that by letter dated 16-4-91 (Exb. E-14) he was promoted as Chief Cashier and that prior to him Shri R. N. Kamat was the Chief Cashier. He has stated that after termination of services of Party I, one Mr. Khautankar was appointed in his place. He has admitted that as per Exb. E-14 he had to report daily to the General Manager Accounts through the Executive Accounts i.e. Mr. A. S. Khautankar.

23. From the nature of above evidence, it can be gathered that as Party I was promoted to the post of senior clerk by letter dated 3-4-1964 at Exb. W-6 and subsequently thereafter was designated as Executive Accounts by letter dated 5-5-1986 w.e.f. 1-5-1986 at Exb. W-11, Party I was working as senior clerk till 30-4-1986. It may be mentioned here that in the cross examination Party I he was shown a letter dated 15-1-1966 (Exb. E-1) and Party I has admitted of having written the same to the chairman of Party II. Ld. Advocate for Party II invited my attention to the contents of this letter wherein Party I has mentioned about the magnitude of work and the responsibility shouldered by him as also presence and alertness of mind required to do the work and even about he being the head of cash section and despite it getting less salary. By referring to these contents, Ld. Advocate for Party II submitted that therefore the nature of work done by Party I as above is of high responsibility and cannot be called as clerical.

24. To my mind, since at the time of termination of his services in the year 1990, Party I was Executive Accounts and that he was working as Senior clerk till 30-4-1986, the letter at Exb. E-1 written in the year 1966, cannot at all be looked into to examine the nature of duties of Party I to find out if he was a “workman” or otherwise at the time of termination of his services. In this sense the said letter at Exb. E-1 needs to be read as a letter by Party I making grievance about the responsibilities shouldered by him as Senior Clerk in comparison to the salary received by him at that point of time. Even otherwise, it is not the case of Party II that even in the year 1966, Party I was not a ‘workman’ u/s 2(s) of the Act. This being the case the judgment in the case of **Tata Sons Ltd. v/s S. Bandyopadhyaya & Anr. 2004 (4) LLN 548** in which it is observed that what is important is whether there is involvement of considerable amount of mental inputs, creativity and imagination, has no application in the instant case.

25. Be that as it may, the letter dated 5-5-86 (Exb. W-11) as rightly pointed out by the Ld. Advocate for Party I does not specify the nature of duties and responsibilities which Party I had to carry out as an Executive Accounts. It is otherwise not in dispute that in the cash section of Accounts Department, the head of Department was one Shri P. M. Kunde, who was the General Manager (Accounts). It may be mentioned that Shri G. B. Halkar, the witness of Party II has also admitted the above fact in his cross examination.



As regards the suggest by Party II that the persons such as Shri Dhaimodkar, Shri Nanu Nagvenkar, Shri Domingos Barreto, Shri Peter Carvalho, Shri Rege and Shri Rui George, in the cash section were working under Party I and that Party I was supervising their work and allotting day to day work to the said persons, it is worthwhile noting that Party I has not examined the said employees in support of the said suggestion put to Party I and therefore such suggestion merit no consideration.

26. It may be true that it is the burden on Party I to prove this issue but it deserves to be noted that Party I has made the statements on oath specifying the duties performed by him and in rebuttal to the same Party II has put certain suggestions. It cannot be disputed that the suggestions form the case of the Party putting it and therefore it was equally the duty of Party II to produce convincing evidence in support of such suggestions. In the peculiar situation like the one in the present case where the services of Party I have been terminated, obviously Party II being a employer was in a better position to produce documentary or other oral evidence, to assist the court, to adjudicate this dispute in a proper and fair manner.

27. The above being the case, it was for Party II to adduce concrete evidence to show the nature of duties performed by Party I at the time of termination of his services. This is more because, in the cross examination of Party I, it is suggested that Party II had authorized Party I to issue instructions to the bank to stop the payment of the cheques issued by Party II; that Party I was also authorized to issue instructions to the bank to transfer money from that bank to another bank and that Party I was authorized by Party II to make requisition to the bank to issue cheque book. To my mind, at least with regards to the above defence set up by Party II, it was for Party II to have produced on record these written authorizations, to support its above defence. In the absence of such evidence, it is rather hard for me to believe the above case of Party II.

28. It may be true that in terms of clause 5 of the promotion letter dated 16-4-91 at Exb. E-14, of Mr. John Carvalho, he as Chief Cashier had to report on day to day basis to the General Manager (Accounts) through Executive (Accounts), Mr. A. S. Khautankar but as rightly pointed out by the Ld. Advocate for Party I no suggestion has been put to Shri John Carvalho or Party I stating that prior to Mr. Khautankar, the Chief Cashier

used to report to Party I. This being the case, it is not open to Party II to take advantage clause 5 in Exb. 14. It may be mentioned that Party II has not examined said Shri A. S. Khautankar or Shri P. M. Kunde to prove that the persons working in the cash section were working under the supervision of Party I. As regards the suggestion put to Party I that he was managing the cash section independently and he used to approach the General Manager only if there were any difficulties, as pointed out by me above, Party II did not examine the said General Manager. Even otherwise, as rightly pointed out by the Ld. advocate for Party I the above suggestion by itself shows that Party I had no authority to take independent decision which could bind Party I. As regards the custody of duplicate key of the safe being kept by Party I, Party I did not examine Shri R. N. Kamat to prove the above fact. Even for that matter, as regards the contention of Party I that the statement of interest and bank charges accrued and which were due and not paid and the statement was being prepared by the clerk and Party I only used to certify it, it was for Party II to examine the said concerned clerk to prove its above case, which the Party II has failed.

29. In the above context Ld. Advocate for Party I relied on the judgment in the case of **Arkal Govind Raj v/s Ciba Geigy Ltd., Bombay 1985 (II) LLJ 401** in which it is observed that certifying the statement or supervising as regards the correctness of the said statement, is a mere “checking” work which is a routine and mechanical “clerical” work and does not partake the character of supervisory function. Thus, from this it is clear that functions performed by Party I were not supervisory.

30. In his cross examination of Shri G. B. Halkar, the witness of Party II has stated that the Bank Receipt Vouchers and Bank Payment Vouchers were kept in the cash section. The said bank payment vouchers from the period from 1-10-1988 to 30-9-1990 are produced and marked as Exb. W-14 colly and Exb. W-16 colly. In his cross examination with respect to Bank Receipt Vouchers dated 31-5-1990 and 7-8-1990, this witness has stated that he was aware of the procedure regarding the preparation of payment vouchers but was not aware if any incidental clerical work is required to be done for preparing the payment vouchers. He has also stated that the payment vouchers dated 30-5-1990 for Rs. 71,000/- is prepared in the cash section but he cannot say as to who has prepared the same. In the context of above statements, it has been rightly



pointed out by Ld. Advocate for Party I that this witness of Party II does not possess personal knowledge on this subject. Even otherwise to my mind any work carried out by Party I in relation to the vouchers is apparently the routine stereotype mechanical clerical work and it does not require taking of independent decision.

31. It may be mentioned that Party I in his cross examination was shown annual performance review forms for the years 1985, 1987 and 1988 in respect of Mr. Peter Carvalho and Party I has admitted his signature on the same above 'supervising officer'. These forms are at Exb. E-6 colly. Similarly Party I was shown annual performance review form in respect of Mr. C. P. Dhaimodkar for the years 1985 and 1987 and Party I has admitted his signature on the same above 'supervising officer'. These forms are at Exb. E-7 colly. Party I was then shown annual performance review forms in respect of Shri R. N. Kamat for the years 1985 and of Shri Nanu Nagvenkar for the years 1985, 1987 and 1988 wherein Party I has admitted his signature above 'supervising officer'. These forms are marked as Exb. E-8 and Exb. E-9 colly respectively. Further Party I has admitted his signature above 'supervising officer' on the annual performance review forms of Mr. Rui George, for the year 1988, of Mr. D. B. Rege for the years 1985, 1987 and 1988 which are at Exb. E-10 and Exb. E-11 respectively. Party I has further admitted the particulars filled in ink under Part II at page 3 on Exb. E-18 as in his handwriting and also such particulars for the year 1988 in respect of Exb. E-11 as in his handwriting. It may be mentioned that Party I has also stated that the annual performance review forms at Exb. E-6 colly and Exb. E-11 were sent to him by Departmental Head Shri P. M. Kunde, already filled in and he was told to sign above the words 'supervising officer' and send the same back to him.

32. Even the witness of Party II Shri G. B. Halkar when shown the annual performance review forms from Exb. E-6 colly to Exb. E-11 colly, has stated that Party I has signed the same above the words 'supervising officer'. He has also stated that Party I has filled in Exb. E-6 colly, Exb. E-9 colly, and E-10 in his own handwriting below the heading 'Part II. Assessment of core issues'. He has stated that Exb. E-6 colly to Exb. E-11 colly are signed by Mr. P. M. Kunde above the words 'Head of Department'. He has stated that the Sectional Head carries on the evaluation and thereafter recommends promotions or training as the case may be and thereafter forwards the said

forms to the Departmental Head. He has stated that the Sectional Head and the Departmental Head thereafter mutually discuss and if any shortcomings are found, the concerned employee is called and explained the short comings. He has stated that thereafter the forms are sent to the Administrative Department with the recommendation of Departmental Head.

33. In his cross examination, this witness has stated that he does not remember whether any punishment was given or promotions were given based on the said performance review report. He has denied the suggestion that the said performance review report were not prepared regularly and that whenever they were prepared, the same were prepared mechanically and without any purpose. Since this witness has not stated in clear terms the purpose and need of filing in of annual performance review forms, no much weightage could be given to these forms and therefore, the exercise done by Party I in filing these forms in his handwriting below Part II, cannot be, in strict sense called as managerial, supervisory or Administrative function.

34. Party I has stated that he was recommending leave of Mr. Dhaimodkar, Mr. Nanu Nagvenkar, Mr. Kamat, Mr. Peter Carvalho, Mr. Rege and Mr. Rui Goerge. He has denied the suggestion that he was recommending leave because he was their 'immediate superior'. Upon being shown 8 leave applications (Exb. E-5 colly), Party I has stated that he sent these forms as immediate superior, he being the seniormost person working in the cash section. He has stated that after he recommended the leave, the leave forms used to be forwarded to the General Manager. He has also stated that whenever he used to go on leave, his leave was being recommended by the person who was to take over the charge from him. He has admitted that in the form dated 13-9-90 of Shri R. N. Kamat he has made an endorsement in the column 'remarks' that replacement has been arranged. He has stated that since Shri R. N. Kamat was the Chief Cashier, he used to go to the Departmental Head to seek replacement and he used to tell him as to who was the person to be replaced when Shri R. N. Kamat used to go on leave. He has admitted that he was required to go to the General Manager/Departmental Head when Shri R. N. Kamat used to go on leave since he was holding a responsible job. He has denied the suggestion that he used to go to the General Manager after putting his remark 'replacement has been arranged'.

35. Shri G. B. Halkar has stated that the leave of the concerned employees as per the forms at Exb. E-5 colly, was recommended by Party I and the remarks appearing for these forms are put by Party I. In his cross examination this witness has stated that he used to visit the Accounts Department almost everyday to assist Mr. Kunde. He has stated that he knew about the work performed by Party I in the course of discussions, which he used to have with Mr. Kunde and also he had personal knowledge of the same. He has stated that the discussions which he used to have with Mr. Kunde were as regards additional responsibilities to be entrusted to the cash section, promotions, if any to be made in the cash section, deputing any person in the absence of traveling cashiers, whenever there was any problem regarding disbursement of salary, cash and leave to be recommended. He has stated that he used to meet Party I and discuss the matter with him and incase he was not satisfied he use to meet Mr. Kunde in the presence of Party I. It may be mentioned that this witness has also stated that he has not maintained any notes or diary about his visits to the Accounts Department. To my mind, as there is no written record to substantiate the above contentions of Shri Halkar, in the absence of examination of Shri Kunde it is rather hard to accept the above statements made by this witness.

36. Nevertheless, from the nature of evidence adduced by Party II it becomes apparent that Party I was only recommending the leave and the leave forms were thereafter submitted to the Departmental Head i.e. the General Manager Shri P. M. Kunde. This is apparently because the General Manager was the final authority to decide upon whether or not to grant/sanction the leave as applied for and recommended by Party I. In the above context Ld. Advocate for Party I rightly relied on the judgment in the case of **Sudhirkumar v/s Ferro Alloys Corporation Ltd. 1992 LAB I.C. 657** wherein it is held that though the employee had power to recommend leave but had not power to grant/sanction leave, he was a workman. He also relied on the judgment in the case of **General Engineering Works v/s Ram Kanwar Yadav Anr. 2003 (103) FLR 978** in which it is held that where an employee had only power to recommend the leave applications to the Head of Department and had no authority to sanction leave, that does not mean that the employee is a supervisor working in a supervisory capacity. He then relied on the judgment in the case of **Jayhind V. Mahadik v/s G. M. Maharashtr Scooter Ltd.**

**2004 LAB I.C. 2527** in which it is observed that even where the employee had power to sanction leave, the employee was not an officer but still a workman. Thus, recommending leave of employees cannot be a criteria to hold that Party I is not a 'workman'.

37. Reference in the above context also needs to be made to the judgment in the case of **Ashok Kumar & Ors v/s Managing Director Utter Pradesh Leather Development and Marketing Cor-operation & Ors. 1997 (3) LLN 803** in which it is observed that the essence of the supervisory work is a supervision by one person over the work of others and it embraces within its fold the authority to take a decision and act within the limit of his authority in an independent manner. Since it is apparent that Party I was reporting to the General Manager who was the final authority, it cannot be said that Party I could act within the limits of his authority and as such he does not come within the ambit of the definition of 'workman'.

38. Be that as it may, I have already pointed out above by referring to various judicial pronouncements that whether a person is a workman or not has to be decided on the basis of his duties, responsibilities and powers. This being the case even accepting that Party I was placed in Officers' Grade, the same would not take him out of the definition of the 'workman' so long as the work done by him was of clerical nature. Thus, direct crediting of salary to the respective bank account or signing of the muster rolls meant for employees in the officers grade or availing of LTC, medical benefits or HRA, cannot be the criteria to decide whether or not Party I was a workman.

39. At any rate, since from above discussion, it is clear that the nature of duties performed by Party I were clerical, Party I is held as a 'workman' within the meaning of Sec. 2(s) of the Act. Hence my findings.

40. *Issue No. 2:* Since apparently Party II has not held the inquiry nor complied with the provisions of Sec. 25 F of the Act, before terminating the services of Party I, the order of termination passed against Party I is illegal and unjustified. Hence my findings.

41. *Issue No. 3:* Having come to the conclusion that the termination of services of Party I is illegal and unjustified, Party I ought to have been reinstated in service with consequential benefits. Nonetheless, records reveal that as on date Party I is 79 years of age and being so the question of ordering his reinstatement in service, does not arise.

42. Coming to the question of payment of back wages, it is seen that there is no pleading in the claim statement that Party I is unemployed since the date of termination of his services.

43. In **Kendriya Vidyalaya Sangathan and Another v/s S.C. Sharma (2005) 2 SCC 363** the Apex Court has held that “...When the question of determining the entitlement of a person to back wages is concerned, the employee has to show that he was not gainfully employed. The initial burden is on him. After and if he places materials in that regard, the employer can bring on record materials to rebut the claim.”

44. Similarly, in the case of **U. P. State Brassware Corporation Ltd. v/s Uday Narain Pandey, reported in 2006 AIR(SC) 586**, the Apex Court has reiterated that “It is now well-settled by various decisions of this Court that although earlier this Court insisted that it was for the employer to raise the aforementioned plea but having regard to the provisions of Section 106 of the Indian Evidence Act or the provisions analogous thereto, such a plea should be raised by the workman.”

45. Reference also needs to be made to the judgment in the case of **Deepali Gundu Surwase v/s Kranti Junior Adyapak Mahavidyalaya 2013 LAB I.C. 4249** in which it is observed that if the employer wants to avoid payment of full back wages, it has to plead and also lead cogent evidence to prove that the employee was gainfully employed and was getting wages equal to the wages he was drawing prior to the termination of service.

46. It may be mentioned that reading of the observations in the above judgment in entirety nowhere gives an indication that the entire burden of proof of gainful employment of the employee rests on the employer even in the absence of pleadings on this subject, in the claim statement. In this judgment, the Hon'ble Apex Court after referring to the various judgments such as in the case of **Hindustan Tin Works Pvt. Ltd. v/s Employees of Hindustan Tin Works Pvt. Ltd., (1979)2 SCC 80, Surendra Kumar Verma v/s Central Government Industrial Tribunal cum Labour Court, New Delhi (1980) 4 SCC 443, P.G.I of Medical Education & Research, Chandigarh v/s Raj Kumar (2001) 2 SCC 54, M.P. State Electricity Board v/s Jarina Bee (2003) 6 SCC 141, Kendriya Vidyalaya Sangathan and Anr. v/s S.C. Sharma 2005 LLR 275, General Manager, Haryana Roadways v/s Rudhan Singh (2005) 5 SCC 591, U.P. State Brassware**

**Corporation Ltd. v/s Uday Narain Pandey (2006) 1 SCC 479, Novartis India Ltd. v/s State of West Bengal (2009) 3 SCC 124 etc.,** has culled out certain propositions in para 33 of the judgment (*Deepali Surwase*) and proposition at para 33 (iii) reads as under:

*“Ordinarily an employee or workman whose services are terminated and who is desirous of getting back wages is required to either plead or at least make a statement before the adjudicating authority or the Court of first instance that he/she was not gainfully employed or was employed on lesser wages. If the employer wants to avoid payment of full back wages, then it has to plead and also lead cogent evidence to prove that the employee/ workman was gainfully employed and was getting wages equal to the wages he/she was drawing prior to the termination of service. This is so because it is settled law that the burden of proof of the existence of a particular fact lies on the person who makes a positive averments about its existence. It is always easier to prove a positive fact than to prove a negative fact. Therefore, once the employee shows that he was not employed, the onus lies on the employer to specifically plead and prove that the employee was gainfully employed and was getting the same or substantially similar emoluments.”*

47. Reading of above observations therefore make it clear that the employee is not absolved of the burden of pleading or at least making a statement before the court of first instance that he was not gainfully employed or was employed on lesser wages. The responsibility on the employer would rest only in case if the employer wants to avoid payment of full back wages and in such case the employer has to plead and adduce evidence to prove that the employee was gainfully employed and was getting wages equal to the wages he was drawing prior to the termination of service. Thus, it is clear that the positive averment which the Party II is required to make in terms of the observations in *Deepali's* case is that “Party I was gainfully employed and was getting equal wages he was drawing prior to termination of service”, and such precise positive averment is required to be made only if Party II wants to avoid payment of full back wages. Thus, the fact that remains is that in terms of the observations in the judgment in the case of **Deepali (Supra)** no case has been made out by Party I for claiming the back wages.



48. In the case of **Incharge Officer & Anr v/s Shankar Shetty 2010(9) SCC 126 and Senior Superintendent Telegraph (Traffic) Bhopal v/s Santosh Kumar Seal & Ors AIR 2010 SC 2140**, the Apex Court has reiterated that “It is true that the earlier view of this Court articulated in many decisions reflected the legal position that if the termination of an employee was found to be illegal, the relief of reinstatement with full back wages would ordinarily follow. However, in recent past, there has been a shift in the legal position and in a long line of cases, this Court has consistently taken the view that relief by way of reinstatement with back wages is not automatic and may be wholly inappropriate in a given fact situation even though the termination of an employee is in contravention of the prescribed procedure. Compensation instead of reinstatement has been held to meet the ends of justice.”

49. The above being the legal position as regards the reinstatement, which is to award compensation in deserving cases as per the fact situation in that particular case, I am of the considered view that Party I herein shall be paid compensation instead of reinstatement. It is on record that Party I was employed in February 1960, his services were terminated on 23-11-90 and at the time of termination of his services he was drawing the salary of Rs. 3,750/- p.m. Thus, taking into consideration the age of Party I, the last salary drawn by him and other relevant factors, I am of the opinion that awarding of compensation of an amount of Rs. 2,50,000/- in lieu of reinstatement would be just, proper and equitable in the facts and circumstances of the case. Hence my findings.

50. In the result and in view of discussion supra, I pass the following:

#### ORDER

1. It is hereby held that Shri M. F. J. Paes, employee of M/s. V. M. Salgaokar and Bro. Ltd., Vasco-da-Gama, Goa is a “WORKMAN” within the meaning of Section 2(s) of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).
2. It is further hereby held that the action of the management of M/s. V. M. Salgaokar & Bro. Ltd., Vasco-da-Gama, Goa in terminating the services of Shri M. F. J. Paes, with effect from 23-11-90 is illegal and unjustified.
3. The Party II is directed to pay to Party I Shri M. F. J. Paes, monetary compensation of Rs.2,50,000/- (Rupees Two lakhs and fifty thousand only) in lieu of reinstatement,

within two months from the date of publication of Award failing which the same shall carry interest at the rate of 9% p.a.

4. No order as to costs.

Inform the Government accordingly.

Sd/-  
(Bimba K. Thaly)  
Presiding Officer  
Industrial Tribunal-cum-  
-Labour Court.

#### Notification

No. 28/1/2015-Lab/593

The following award passed by the Industrial Tribunal and Labour Court, at Panaji-Goa on 05-05-2015 in reference No. IT/32/11 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

*Shashank V. Thakur*, Under Secretary (Labour).

Porvorim, 12th June, 2015.

#### IN THE INDUSTRIAL TRIBUNAL AND LABOUR COURT GOVERNMENT OF GOA AT PANAJI

(Before Ms. Bimba K. Thaly, Presiding Officer)

Ref. No. IT/32/11

Shri Blasco John Fernandes ... Workman/Party I  
H. No. 289, P. O. Reis Magos,  
Navetim, Pilerne,  
Bardez Goa

V/s

M/s. Andrew ... Employer/Party II  
Telecommunications  
India Pvt. Ltd.,  
Plot No. 2, Phase IV,  
Verna Industrial Estate,  
Verna, Salcete-Goa

Party I/Workman absent at the time of evidence and arguments.

Party II/Employer represented by Adv. Shri P. Chawdikar present at the time of evidence and arguments.

## AWARD

(Passed on 5th day of May, 2015)

In exercise of powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (for short 'The Act') the Government of Goa by order dated 30-09-2011 bearing No. 28/39/2011-LAB, has referred the following dispute for adjudication.

- “(1) Whether Shri Blasco Fernandes, Shift Leader, can be construed as a ‘workman’ under clause (s) of Section 2 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947)?
- (2) If the answer to issue No. (1) above is in the affirmative, then, whether the action of the Management of M/s. Andrew Telecommunications India Private Limited Verna, Salcete, Goa, in terminating the services of its workman, Shri Blasco J. Fernandes, shift leader, with effect from 15-04-2009, is legal and justified?
- (3) If the answer to issue No. (2) above is in the negative, then, what relief the workman is entitled to?”

2. Upon receipt of the dispute, reference IT/32/11 was registered. Notices were issued to both the parties under registered A/D post upon which both the parties were served. Party I filed the statement of claim at Exb. 6. Party II filed the written statement at Exb. 7. Rejoinder was filed by Party I at Exb. 8.

3. It is in short the case of Party I that he was a ‘workman’ under the Act, employed by Party II. That he joined the services of Party II w.e.f. 01-07-03 as a “trainee operator” and on 1-4-06, he was designated as “Goods Receiving Operator” in grade B 1. That on 14-9-06, he was designated as “Shift Leader”. It is stated that even after being designated as “Shift Leader”, the nature of his duties did not change. It is stated that on 03-07-2007 Party II issued him a memo containing false allegations since he had joined as an active member of a registered Trade Union under the Trade Unions Act, 1926, so as to press for his rights to a safe and healthy working atmosphere at the factory. It is stated that on 12-1-08 he was suspended from the services pending disciplinary proceedings but was not paid the subsistence allowance. It is stated that Party II then illegally terminated the services of Party I with immediate effect vide letter dated 15-4-09 and that the reasons given in this letter

are contradictory to the reasons given in the letter dated 12-1-08. It is stated that alongwith the termination letter Party II sent a cheque of Rs. 73,736/- towards the alleged payment of legal dues which was accepted by Party I under protest. It is stated that the proceedings initiated before the conciliation officer resulted in failure. It is stated that Party I was unemployed from the date of his termination till today. Party I has therefore prayed for reinstatement in service with full back wages, continuity in service and consequential benefits.

4. In the written statement, Party II has denied the case setup by Party I and has stated that Party I was working as “Shift Leader” in supervisory cadre and not a workman as defined under Section 2(s) of the Act. It is stated that as a Shift Leader Party I was working in a supervisory position grade A 1 which is a post of trust in Party II and that his services were terminated on the ground of loss of confidence. It is stated that Party I used to supervise several other workers employed in the company and was acting as their immediate supervise. It is stated that in the suspension letter issued to Party I it was inadvertently mentioned that Party I would be entitled to receive subsistence allowance since Party I was not entitled to the same as per law. It is stated that it was not mandatory for Party II to conduct disciplinary proceedings as Party I was not a ‘workman’. It is stated that Party I is gainfully employed from date of termination of his services. It is stated that the termination of Party I is legal, proper and justified and Party I is not entitled to any relief as prayed for.

5. In the rejoinder Party I has asserted the case set up in the claim statement and has controverted the defence projected by Party II.

6. On the basis of the averments of the respective parties, issues dated 10-1-14 at Exb. 13, were framed.

7. In the course of further proceedings, Party I did not appear before the court nor was he represented by any one. Despite opportunities given to lead evidence, Party I did not appear and as such the evidence of Party I was closed. Party II examined Mr. Ravi Rebello in support of their case.

8. Ld. Advocate for Party II filed written submissions.

9. I have gone through the records of the case and have duly considered the written submissions filed by Party II.



10. I am reproducing herewith the issues along with their findings and reasons thereof:

Sr. No.	Issues	Findings
1.	Whether the Party I proves that he is a workman u/s 2(s) of the I. D Act, 1947?	In the negative.
2.	Whether the Party I proves that Party II illegally terminated his services with immediate effect vide letter dated 15-4-09?	In the negative.
3.	Whether the Party I proves that he is unemployed from the date of his termination till today?	Does not arise.
4.	Whether the Party II proves that it is inadvertently mentioned in the suspension letter dated 12-1-08 that Party I would be entitled to receive subsistence allowance in accordance with Industrial Employment Standing Orders Act?	In the positive.
5.	What relief? what Award?	As per below.

#### REASONS

11. *Issue Nos. 1 and 2:* Both these issues are answered together for the sake of convenience as Party I has not led evidence and thus both these issues could be discussed together. This is because findings on issue No. 2 would be based on the outcome of issue No.

12. It may be mentioned that in the claim statement Party I has categorically mentioned that he is the 'workman' under the Act and in defence Party II has denied his status as such. It deserves to be noted that at the time of termination of services, Party I was designated as Shift Leader. Though in the claim statement Party I has pleaded that even after being designated as Shift Leader, the nature of his duties did not change from the duties he earlier discharged in the capacity of "Goods Receiving Operator", in defence Party II has categorically stated that after Party I was designated as Shift Leader he worked in supervisory cadre which formed part of the Management Team. It is also the case of Party II that as a shift leader Party I used to independently handle the incoming raw materials, spares, consumables etc. and used to supervise several other workers employed in the company.

13. Thus, from the above rival contentions, it is apparent that heavy burden lay on Party I to prove that at the time of termination of his services, he was a 'workman' as defined under the Act. It is observed in the judgment in the case of **T. Galande v/s P.O. Hind Labour Court, Pune 2008 (1) CLR 656** that the onus lies upon the workman to prove that he satisfies the essential ingredients of being a workman and therefore, could raise an industrial dispute.

14. It cannot be disputed that the dominant nature of work performed by the employee must be the first test for consideration as to whether an employee is a workman or not as defined u/s 2(s) of the Act. The above principle has been culled out in the judgment in the case of **R. A. Gonsalves (Since deceased) through heirs v/s Hotel Corporation of India Ltd Anr. 2004 (3) Mh. L. J. 949.**

15. It may also be mentioned that the nomenclature does not in any manner establish the status of person working in an establishment and that the nature of work that the person performs is required to be considered, as held in the judgment in the case of **Jayhind Vithoba Mahadik v/s General Manager, Maharashtra scooters Ltd. 2004 (3) Mh. L.J 733.**

16. Reference also to be needs to be made to the judgment in the case of **Mukand Ltd. v/s Mukand Staff & Officers' Association AIR 2004 SC 3905** in which it is held the question whether or not a person is a "workman" is not to be decided on the basis of the Grades in which the said person is placed but on the basis of his duties, responsibilities and powers.

17. It is worthwhile noting that mere pleadings cannot be considered as proof of the statements made therein and that such pleadings need to be proved by making statements concerning them, on oath. In the instant case, Party I has not entered the witness box to make statements on oath and being so the pleadings in the claim statement do not carry any weight.

18. In fact, in terms of the observations in the judgments in the case of **R. A. Gonsalves, Jayhind Vithoba Mahadik and Mukand Ltd., (all cited supra)** it was for Party I to have adduced convincing evidence to spell out the duties performed by him for claiming the status as "Workman" under the Act. On the contrary Mr. Ravi Rebello, the witness of Party II has clearly stated that on 14-9-06 Party I was designated as "Shift Leader" and since then he was working in

a supervisory cadre and formed the part of Management Team. It may be mentioned that, the above statement made by Mr. Ravi Rebello is not disputed as Party I having not participated in the process of recording evidence, has not cross examined Mr. Ravi Rebello. This being the case, Party I has failed to prove issue No. 1 and consequently even the issue No. 2 based on the outcome of issue No. 1. Hence my findings.

19. *Issue No. 3:* As Party I has failed to prove issue No. 1, the question of his proving that he is unemployed from the date of his termination till today, does not arise. Hence my findings.

20. *Issue No. 4:* Mr. Ravi Rebello the witness of Party II has stated in his affidavit in evidence that inadvertently it is mentioned in the suspension letter dated 12-1-08, issued to Party I that he would be entitled to receive subsistence allowance in accordance with the Industrial Employment Standing Orders Act, though Party II was not supposed to pay the same as per law. As pointed out by me above, the evidence of Mr. Ravi Rebello has gone unchallenged and hence needs to be accepted as there is no material on record to hold otherwise. Hence my findings.

21. In the result and in view of discussion supra, I pass the following:

#### ORDER

- (1) It is hereby held that Shri Blasco John Fernandes, shift leader, cannot be construed as a workman as per section 2(s) of the Industrial Disputes Act, 1947 (Central Act of 1947).
- (2) It is further hereby held that the action of the management of M/s. Andrew Telecommunications India Private Limited Verna, Salcete Goa, in terminating the services of its workman, Shri Blasco John Fernandes, Shift Leader, with effect from 15-04-2009, is legal and justified.
- (3) Party I Shri Blasco John Fernandes is therefore not entitled to any relief.
4. No order as to costs.

Inform the Government accordingly.

Sd/-  
(B. K. Thaly)  
Presiding Officer  
Industrial Tribunal-cum-  
-Labour Court.

#### Notification

No. 28/1/2015-Lab/594

The following award passed by the Industrial Tribunal and Labour Court, at Panaji-Goa on 07-05-2015 in reference No. IT/33/11 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

*Shashank V. Thakur*, Under Secretary (Labour).  
Porvorim, 12th June, 2015.

#### IN THE INDUSTRIAL TRIBUNAL AND LABOUR COURT GOVERNMENT OF GOA AT PANAJI

(Before Ms. Bimba K. Thaly, Presiding Officer)

Ref. No. IT/33/11

Shri Vassudev R. Kunkolekar, ... Workman/Party I  
H. No. 348, Mudda Vaddo,  
P. O. Saligao, Bardez Goa.

V/s

M/s. Andrew Telecommuni- ... Employer/Party II  
cations India Pvt. Ltd.,  
Plot No. 2, Phase IV,  
Verna Industrial Estate,  
Verna, Salcete Goa.

Party I/Workman absent at the time of evidence and arguments.

Party II/Employer represented by Adv. Shri P. Chawdikar, present at the time of evidence and arguments.

#### AWARD

(Passed on 7th day of May, 2015)

In exercise of powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (for short 'The Act'), the Government of Goa by order dated 08-11-2011 bearing No. 28/38/2011-LAB, has referred the following dispute for adjudication.

- “(1) Whether Shri. Vassudev R. Kunkolekar, Shift Leader, can be construed as a workman as per Section 2(s) of the Industrial Disputes Act, 1947 (Central Act 14 of 1947)?
- (2) If the answer to issue No. (1) above is in the affirmative, then, whether the action of the Management of M/s. Andrew Telecommunications India Private Limited

Verna, Salcete, Goa, in terminating the services of its workman, Shri Vassudev R. Kunkolekar, Shift Leader, with effect from 15-04-2009, is legal and justified?

- (3) If the answer to issue No. (2) above is in the negative, then, what relief the workman is entitled to?"

2. Upon receipt of the dispute, reference, IT/33/11 was registered. Notices were issued to both the parties under registered A/D post upon which both the parties were served. Party I filed the statement of claim at Exb. 6. Party II filed the written statement at Exb. 7. Rejoinder was filed by Party I at Exb. 8.

3. It is in short the case of Party I that he was a 'workman' under the Act, employed by Party II. That he joined the services of Party II w.e.f. 1-7-03 as a "trainee operator" and on 1-4-06, he was designated as "Goods Receiving Operator" in Grade B 1. That on 14-9-06, he was designated as "Shift Leader". It is stated that even after being designated as "Shift Leader", the nature of his duties did not change. It is stated that on 27-6-07 Party II issued him a memo containing false allegations since he had joined as an active member of a registered Trade Union under the Trade Unions Act, 1926, so as to press for his rights to a safe and healthy working atmosphere at the factory. It is stated that on 12-1-08 he was suspended from the services pending disciplinary proceedings but was not paid the subsistence allowance. It is stated that Party II then illegally terminated the services of Party I with immediate effect vide letter dated 15-4-09 and that the reasons given in this letter are contradictory to the reasons given in the letter dated 12-1-08. It is stated that along with the termination letter Party II sent a cheque of Rs. 68,904/- towards the alleged payment of legal dues which was accepted by Party I under protest. It is stated that the proceedings initiated before the conciliation officer resulted in failure. It is stated that Party I was unemployed from the date of his termination till today. Party I therefore prayed for reinstatement in service with full back wages, continuity in service and consequential benefits.

4. In the written statement Party II has denied the case setup by Party I and has stated that Party I was working as "Shift Leader" in supervisory cadre and not a workman as defined under Section 2(s) of the Act. It is stated that as a Shift Leader Party I was working in a supervisory position grade A 1 which is a post of trust in Party II and that his services were terminated on the ground

of loss of confidence. It is stated that Party I used to supervise several other workers employed in the company and was acting as their immediate supervise. It is stated that in the suspension letter issued to Party I it was inadvertently mentioned that Party I would be entitled to receive subsistence allowance since Party I was not entitled to the same as per law. It is stated that it was not mandatory for Party II to conduct disciplinary proceedings as Party I was not a workman. It is stated that Party I is gainfully employed from date of termination of his services. It is stated that the termination of Party I is legal, proper and justified and Party I is not entitled to any relief as prayed for.

5. In the rejoinder Party I has asserted the case set up in the claim statement and has controverted the defence projected by Party II.

6. On the basis of the averments of the respective parties issues dated 10-1-14 at Exb. 14 were framed.

7. In the course of further proceedings, Party I did not appear before the court nor was he represented by any one. Despite opportunities given to lead evidence, Party I did not appear and as such the evidence of Party I was closed. Party II examined Mr. Ravi Rebello in support of their case.

8. Ld. Advocate for Party II filed written submissions.

9. I have gone through the records of the case and have duly considered the written submissions filed by Party II.

10. I am reproducing herewith the issues along with their findings and reasons thereof:

Sr. No.	Issues	Findings
1	2	3
1.	Whether the Party I proves that he is a workman u/s 2(s) of the I. D. Act, 1947?	In the negative.
2.	Whether the Party I proves that Party II illegally terminated his services with immediate effect vide letter dated 15-4-09?	In the negative.
3.	Whether the Party I proves that he is unemployed from the date of his termination till today?	Does not arise.

1	2	3
4.	Whether the Party II proves that it is inadvertently mentioned in the suspension letter dated 12-1-08 that Party I would be entitled to receive subsistence allowance in accordance with Industrial Employment Standing Orders Act?	In the positive.
5.	What relief? what Award?	As per order below.

## REASONS

11. *Issue Nos. 1 and 2:* Both these issues are answered together for the sake of convenience as Party I has not led evidence and thus both these issues could be discussed together. This is because findings on issue No. 2 would be based on the outcome of issue No. 1.

12. It may be mentioned that in the claim statement Party I has categorically mentioned that he is the 'workman' under the Act and in defence Party II has denied his status as such. It deserves to be noted that at the time of termination of services, Party I was designated as Shift Leader. Though in the claim statement Party I has pleaded that even after being designated as Shift Leader, the nature of his duties did not change from the duties he earlier discharged in the capacity of "Goods Receiving Operator", in defence Party II has categorically stated that after Party I was designated as Shift Leader he worked in supervisory cadre which formed part of the Management Team. It is also the case of Party II that as a shift leader Party I used to independently handle the incoming raw materials, spares, consumables etc. and used to supervise several other workers employed in the company.

13. Thus, from the above rival contentions, it is apparent that heavy burden lay on Party I to prove that at the time of termination of his services, he was a 'workman' as defined under the Act. It is observed in the judgment in the case of **T. Galande v/s P.O. Ind Labour Court, Pune 2008 (I) CLR 656** that the onus lies upon the workman to prove that he satisfies the essential ingredients of being a workman and, therefore, could raise an industrial dispute.

14. It has not been disputed that the dominant nature of work performed by the employee must be the first test for consideration as to whether an employee is a workman or not as defined u/s 2(s) of the Act. The above principle has been

culled out in the judgment in the case of **R. A. Gonsalves (Since deceased) through heirs v/s Hotel Corporation of India Ltd., Anr. 2004 (3) Mh. L. J. 949.**

15. It may also be mentioned that the nomenclature does not in any manner establish the status of person working in an establishment and that the nature of work that the person performs is required to be considered, as held in the judgment in the case of **Jayhind Vithoba Mahadik v/s General Manager, Maharashtra scooters Ltd. 2004 (3) Mh. L.J. 733.**

16. Reference also to be needs to be made to the judgment in the case of **Mukand Ltd. v/s Mukand Staff & Officers' Association AIR 2004 SC 3905** in which it is held the question whether or not a person is a "workman" is not to be decided on the basis of the Grades in which the said person is placed but on the basis of his duties, responsibilities and powers.

17. It is worthwhile noting that mere pleadings cannot be considered as proof of the statements made therein and that such pleadings need to be proved by making statements concerning them, on oath. In the instant case, Party I has not entered the witness box to make statements on oath and being so the pleadings in the claim statement do not carry any weight.

18. In fact, in terms of the observations of the judgments in the case of **R. A. Gonsalves, Jayhind Vithoba Mahadik and Mukand Ltd. (all cited supra)**, it was for Party I to have adduced convincing evidence to spell out the nature of duties performed by him for claiming the status as "Workman" under the Act. On the contrary Mr. Ravi Rebello, the witness of Party II has clearly stated that on 14-9-06 Party I was designated as "Shift Leader" and since then he was working in a supervisory cadre and formed the part of Management Team. It may be mentioned that, the above statement made by Mr. Ravi Rebello is not disputed as Party I having not participated in the process of recording evidence, has not cross examined Mr. Ravi Rebello. This being the case, Party I has failed to prove issue No. 1 and consequently even the issue No. 2 based on the out come of issue No. 1. Hence my findings.

19. *Issue No. 3:* As Party I has failed to prove issue No. 1, the question of he proving that he is unemployed from the date of his termination till today, does not arise. Hence my findings.



20. *Issue No. 4:* Mr. Ravi Rebello the witness of Party II has stated in his affidavit in evidence that inadvertently it is mentioned in the suspension letter dated 12-1-08, issued to Party I that he would be entitled to receive subsistence allowance in accordance with the Industrial Employment Standing Orders Act, though Party II was not supposed to pay the same as per law. As pointed out by me above, the evidence of Mr. Ravi Rebello has gone unchallenged and hence needs to be accepted as there is no material on record to hold otherwise. Hence my findings.

21. In the result and in view of discussion supra, I pass the following:

#### ORDER

- (1) It is hereby held that Shri Vassudev R. Kunkolekar, Shift Leader, cannot be construed as a workman as per section 2(s) of the Industrial Disputes Act, 1947 (Central Act of 1947).
- (2) It is further hereby held that the action of the management of M/s. Andrew Telecommunications India Private Limited Verna, Salcete, Goa, in terminating the services of its workman, Shri Vassudev R. Kunkolekar, Shift Leader, with effect from 15-04-2009, is legal and justified.
- (3) Party I Shri Vassudev R. Kunkolekar is therefore not entitled to any relief.
4. No order as to costs.

Inform the Government accordingly.

Sd/-  
(B. K. Thaly)  
Presiding Officer  
Industrial Tribunal-cum-  
-Labour Court.

—◆—  
State Directorate of Craftsmen Training

#### Notification

No. 3/SDCT/TPO/IMC/CAC/2487

In pursuance of the guidelines issued by Government of India for constitution of Institute Managing Committee (IMC) for the ITIs vide D.O. No. DGET-21(3)97-CPIU-(VOL.IV) dated 25-01-2002 from the Director General of Employment & Training and Joint Secretary, Government of India, Ministry of Labour, New Delhi, the Government is pleased to re-constitute the Institute Managing

Committee of Cacora Government ITI, Cacora-Curchorem-Goa from the date of issue of this Notification.

#### Constitution:

1. Shri Sudesh Rane, — Chairman.  
Proprietor  
M/s. Amey Industries.,  
Cacora Industrial Estate,  
Cacora-Curchorem-Goa
2. Shri Balkrishna Hodarkar, — Member  
Transport Contractor  
Curchorem-Goa
3. Dr. Paresh Kamat, — Member.  
Proprietor  
Paarth Diagnostic Lab &  
Occupational  
Health Centre,  
Curchorem-Goa
4. Shri Sameer Keny, — Member.  
Proprietor, M/s. Crescent  
Fragrances Pvt. Ltd., SB 6,7,8  
Cuncolim Industrial Estate,  
Cuncolim, Salcete-Goa
5. Shri Sandeep Sardesai, — Member.  
Proprietor,  
M/s. Vinaya Enterprises,  
SA 36/37, Cuncolim  
Industrial Estate,  
Cuncolim, Salcete-Goa
6. Shri Devendra Bale, — Member.  
Chartered Accountant,  
Mauranne, Near Post Office,  
Curchorem-Goa
7. Shri Shailesh D. Sanvordekar, — Member.  
Proprietor,  
HPCL Petrol Pump,  
Sanvordem-Curchorem-Goa
8. Shri Debkumar Sen, — Member.  
General Manager  
M/s. Diamond Tool Industries,  
Cacora Industrial Estate,  
Cacora-Curchorem-Goa
9. Shri Madhav Babu Chari, — Member.  
Managing Director  
Kamakshi Engineering,  
Madhegal, Curchorem-Goa
10. Shri John D'Costa, — Member.  
Proprietor,  
M/s. Maria Industries,  
Curchorem-Goa



- |   |   |                      |
|---|---|----------------------|
| 11. Shri Shanu Pai Panandiker,<br>Managing Director,<br>Marpol, Pvt. Ltd.,<br>Cacora Industrial Estate,<br>Cacora-Curchorem-Goa                 | — | Member.              |
| 12. Shri Atrey Kakodkar,<br>Advocate,<br>Curchorem-Goa  | — | Member.              |
| 13. Shri Paresh G. Nayak,<br>Marpol Pvt. Ltd.,<br>Plot No. 12-18,<br>Cacora Industrial Estate,<br>Cacora-Curchorem-Goa                          | — | Member.              |
| 14. Shri Abhay Keny,<br>Proprietor,<br>M/s. Sri Shantha Pumps,<br>Goenchembhat,<br>P. O. Velim-Goa  | — | Member.              |
| 15. Arman Jitendra Bankley,<br>Partner,<br>A.R. Mine's Industries<br>Plot No. 21-23, Cacora<br>Industrial Estate,<br>Cacora-Curchorem-Goa       | — | Member.              |
| 16. State Director or his<br>representative,<br>State Directorate of<br>Craftsmen Training,<br>Shramashakti Bhavan,<br>Panaji-Goa               | — | Member.              |
| 17. Principal,<br>Cacora Government<br>Industrial Training Institute,<br>Cacora-Curchorem-Goa   | — | Member<br>Secretary. |
| 18. Faculty Representative,<br>to be nominated by the<br>Principal, Cacora Government<br>Industrial Training Institute,<br>Cacora-Curchorem-Goa | — | Member.              |
| 19. Co-ordinator,<br>to be nominated by the<br>Principal, Cacora Government<br>Industrial Training Institute,<br>Cacora-Curchorem-Goa           | — | Member.              |
| 20. Student Representative<br>to be nominated by the<br>Principal, Cacora Government<br>Industrial Training Institute,<br>Cacora-Curchorem-Goa  | — | Member.              |

The terms of reference shall be as per attached Annexure also specifying therein indicators for monitoring the performance of the IMC.

The term of office of the IMC shall be three years from the date of issue of this notification or till the re-constitution of the IMC thereafter. The members representing the industries may change by name and number depending upon the necessity of the IMC from time to time under specific orders of the Government. Change in the official members, if any, shall be on the basis of the recommendations of the State Director of Craftsmen Training.

The IMC shall meet as frequently as required and in any case at least once in three months. The members will have to intimate to the Chairman about his inability to attend the meeting and obtain leave of absence. Any member remaining absent for three consecutive meetings without leave of absence shall cease to be member of the IMC from the date of third absence.

The non-official members, who attend the meeting shall be paid a fixed honorarium of Rs. 400/- per meeting and no other TA/DA shall be payable.

By order and in the name of the Governor of Goa.

*Aleixo F. da Costa*, State Director & ex officio Joint Secretary (Craftsmen Training).

Panaji, 8th June, 2015.

#### ANNEXURE

##### *Role and Responsibilities of the Institute Managing Committee (IMC)*

#### **1. Generation and Utilisation of Finance:**

- The IMC would be free to generate funds through various projects from industry.
- The IMC would encourage donors to donate funds to the institutes.
- These funds would be available to the IMC for utilization as decided by them.

#### **2. Donation of Machinery & Equipments:**

The IMC would encourage donation of machinery & equipments to the institutes.

#### **3. Selection of Contract Faculty:**

The IMC will have powers for appointment of contract faculty as and when required.

#### **4. Students Selection:**

- Vocational guidance about the nature of course, job opportunities and career prospects would be provided to students prior to applying for admission in ITI so that they choose right courses.

- b) Introductory seminars for the fresh students (including visits to industry) may be conducted by industry to create interest and motivate them.
- c) The IMC may adopt various transparent methods of selection according to the individual needs of each institute. However, the guidelines prescribed by the NCVT should not be violated.

**5. Employment:**

- a) The IMC will be responsible for helping students in registration. Before passing out all ITI students will be registered with (i) Local employment exchange (ii) Overseas employment cell (iii) Regional Headquarters of Industry associations (iv) Campus interviews will also be arranged.
- b) Trainees will be helped by the industry to go in for self-employment through acquisition of skills relating to interaction with FIs and basic trade and commerce facilities.
- c) Tracing the ITI graduates for next three years after their passing out.

**6. Faculty and Staff Development:**

- a) IMC will identify the training needs of all faculty and staff members based on Faculty Development Forms.
- b) Detailed annual and quarterly training calendars, budgets and release of personnel for training programmes will be planned by IMC including exchange of personnel between industry and institute.

**7. Mentors and One-Day Lecturers (Guest Lecturers):**

IMC will nominate Mentors and One-Day Lecturers (Guest Lecturers) from industry for various trades. One-day lecturers are specifically meant to deliver lecture or impart practical training in the ITI. A mentor is nominated for a student/group of students belonging to one trade, Mentor may just discuss/guide/counsel students in the ITI or outside as per mutual convenience. He can, however, also deliver lecture or impart practical training. Mentors are more like role model for students and therefore, should be a good experienced skilled worker. Mentors will play an important role in vocational guidance and career counseling as well as apprising students about latest technologies and trends in the World of Work. Mentorship system should have great flexibility in contact between students and mentor. The contact could even be over telephone.

**8. Seminars, workshops and exhibitions:**

IMC will organize seminar, workshops and exhibitions for mutual benefits of trainees, faculty and industry.

**9. Trade Advisory Committees (TAC):**

IMC may constitute Trade Advisory Committee (TAC) for a group of trades or any other committee to assist in various functions. TAC should help IMC in issues related to improvement in effectiveness and relevance of training for a particular trade group. TAC should have trade experts from industry, concerned instructors, student representatives etc. The exact composition may be decided by the IMC.

**10. Industrial Training:**

- a) IMC will prepare guidelines for the industrial training with details of periods of training including projects for students and faculty. Students of one trade may be released together for industrial training in order to avoid disruption of training in ITI.
- b) IMC will also decide about the stipend to be paid to each student and faculty by the industry providing training.

**11. Curriculum Revamping:**

- a) IMC will be allowed to revamp the curriculum of any trade above the NCVTs norms on the basis of industry needs.
- b) IMC will be allowed to include new trades and discontinue the obsolete trades by following simplified procedures to be decided by DGET.

**12. Equipment Maintenance:**

The maintenance and replacement of the equipment at the institute will be supervised by IMC.

**13. Teaching Aids:**

Teaching aids like working models, slides, video projections, instruction material in vernacular languages, work books, detailed job assignments of the institute will be upgraded under the supervision of IMC.

**14. MIS System:**

Under guidance of the Steering Committee, the Managing Committee will introduce a MIS System for each ITI. Industry associations will provide the necessary inputs for creating such MIS System.

**15. Capital Expenditure:**

- a) IMC will be involved in spelling out specifications for the procurement of equipment including accessories and measuring equipment. The proposals for procurement of equipment will be cleared by IMC before orders are placed.
- b) The proposals of civil works (including additions/alterations in the existing building) will be cleared by IMC.

**16. Examination Supervision:**

- a) Theoretical examinations will be jointly supervised by industry.
- b) Practical examination and evaluation will be supervised jointly by industry and external examiner.

**17. Faculty Evaluation:**

- a) Faculty evaluation will be done by the Steering Committee and their recommendations will carry weight and recognition.
- b) Faculty Development Form will be designed by IMC which will include criteria for gradation and development of faculty.

**18. Transfer for faculty:**

IMC will be taken into confidence while transferring the faculty from one institute to another.

**19. Faculty Deputation:**

Deputation of the faculty from one institute to another will be made at the recommendations of IMC.

**20. Consultancy Rules:**

The rules for providing consultancy by the ITI will be laid down in consultation with the Managing Committee.

**Indicators for monitoring the performance of IMC**

- 1) Employment rate within 6 months of completing the course.
- 2) Student output to sanctioned capacity—
  - a) Admission rate.
  - b) Retention rate.
  - c) Pass rate.
- 3) Internship/n-the-job training per student per year.
- 4) Average number of days of deputation of instructors in industry per year.
- 5) Revenue generated as percentage of operating expenses.

- 6) Donation of machinery and equipment to ITI by Industry.
- 7) Other co-operation between ITI and industry.
- 8) Time devoted by experts from industry in conducting classes or other activities in ITI.
- 9) Recommendations made by IMC and their implementation.

**Notification**

No. 3/SDCT/TPO/IMC/FAR/2488

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**Constitution:**

1. Shri Naresh Pai, — Chairman.  
Mahalasa Pharma,  
Plot No. 53, 54, 55,  
Bethora Industrial Estate,  
Bethora, Ponda-Goa
2. Shri Sanjay Priolkar, — Member.  
G. M. Operations,  
Indoco Remedies Ltd.,  
Plot No. L-32, 33 & 34  
Verna Industrial Estate,  
Verna, Salcete-Goa
3. Shri Yogesh Naik, — Member.  
Partner,  
Greenfield Technologies,  
S-17, Madhuvihar CHS,  
St. Inez, Panaji-Goa
4. Shri Francis Fernandes, — Member.  
Mines Manager,  
H. L. Nathurmali,  
3rd Floor, Rizvi Chambers,  
Panaji-Goa
5. Shri Kiran Shirsat, — Member.  
Prachi Aqua Minerals Pvt. Ltd.,  
Plot No. 42, Kundaim  
Industrial Estate, Kundaim,  
Ponda-Goa
6. State Director or his — Member.  
representative, State  
Directorate of Craftsmen  
Training, Shramashakti Bhavan,  
Panaji-Goa

- |   |   |                      |
|---|---|----------------------|
| 7. Principal,<br>Farmagudi Government<br>Industrial Training Institute,<br>Farmagudi, Ponda-Goa   | — | Member<br>Secretary. |
| 8. Faculty Representative<br>to be nominated by the<br>Principal, Farmagudi<br>Government Industrial<br>Training Institute,<br>Farmagudi, Ponda-Goa | — | Member.              |
| 9. Co-ordinator,<br>to be nominated by the<br>Principal, Farmagudi<br>Government Industrial<br>Training Institute,<br>Farmagudi, Ponda-Goa          | — | Member.              |
| 10. Student Representative<br>to be nominated by the<br>Principal, Farmagudi<br>Government Industrial<br>Training Institute, Farmagudi<br>Ponda-Goa | — | Member.              |

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- 7) Other co-operation between ITI and industry.
- 8) Time devoted by experts from industry in conducting classes or other activities in ITI.
- 9) Recommendations made by IMC and their implementation.



Department of Law & Judiciary

Law (Establishment) Division

**Notifications by the High Court of  
Judicature Appellate Side, Bombay**

No. A. 1201/G/2015/1774

Read: High Court Memo of Annual General Transfers-2015 dated 22 April, 2015.

The Hon'ble the Chief Justice and the Hon'ble Judges have been pleased to cancel the entry at Sr. Nos. 3 and 4 of High Court Memo of Annual General Transfers-2015 dated 22 April, 2015 regarding transfer and posting of Shri Pramod V.

Kamat, District Judge-1 and Additional Sessions Judge, Panaji to Margao and Shri Vincent M. D'Silva, District Judge-3 and Additional Sessions Judge, Margao to Panaji and on retention to continue them as District Judge-1 Additional Sessions Judge, Panaji and District Judge-3 and Additional Sessions Judge, Margao, respectively.

High Court, Bombay. *Mangesh S. Patil*  
Dated: 8th May, 2015. Registrar General.

No. A. 3902/G/2015/1775

The Hon'ble the High Court is pleased to make the following postings:-

**Senior Civil Judge**

Sr. No.	Name & present posting	New posting
1.	Ms. Kalpana V. Gavas, Ad hoc Civil Judge, Senior Division & J.M.F.C., Bicholim, District Panaji	Ad hoc Civil Judge, Senior Division & Chief Judicial Magistrate, District Margao vice Ms. Shaikh Shabnam.
2.	Shri Cholu M. Gauns Ad hoc Civil Judge, Senior Division & J.M.F.C., Vasco-da-Gama, District Margao	Ad hoc Civil Judge, Senior Division & J.M.F.C., Bicholim District Panaji vice Ms. Kalpana V. Gavas.
3.	Ms. Shaikh Shabnam Ad hoc Civil Judge, Senior Division & Chief Judicial Magistrate, District Margao	Ad hoc Civil Judge, Senior Division & J.M.F.C., Vasco-da-Gama, District Margao vice Shri Cholu M. Gauns.

High Court, Bombay. *Mangesh S. Patil*  
Dated: 8th May, 2015. Registrar General.

**Certificate of Practice**

No. 9-18-2004-LD(Estt)/Part-II(18)/1225

In partial modification of Certificate of Practice dated 21-05-2009 issued under the provisions of Notaries Act, 1952 (Central Act 53 of 1952) and the Notaries Rules, 1956 made thereunder, Government of Goa is pleased to extend the area of practice as a Notary of Shri Joao Emerico Maria Agnelo Pereira, to State of Goa, under Rule 8A of the Notaries Rules, 1956, with immediate effect.

By order and in the name of the Governor of Goa.

*Amul S. Gaunker*, Under Secretary (Estt.).

Porvorim, 5th June, 2015.

## Department of Panchayati Raj and Community Development

Directorate of Panchayats

## Notification

No. 19/35/DP/BYE-ELECTION/15-16/4629

In pursuance of sub-section (8) of Section 7 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), read with Rule 58 of the Goa Panchayat and Zilla Panchayat (Election Procedure) Rules, 1996, it is hereby notified for the information of the public that the persons specified in column No. 3 of the Schedule appended hereto have been duly elected as member of the Panchayat mentioned in the corresponding entry in column No. 2 from the ward shown against the name in column No. 4 of the said schedule in the bye-election held on 21-06-2015.

## SCHEDULE

Sr. No.	Name of the Village Panchayat/Block	Name and address of the the elected member	Ward No. Reservation
1	2	3	4
1.	V. P. Pilerne-Marra, Bardez-Goa	Sachin Shashikant Sardesai, H. No. 411, Saibaba Sadan, Alto-Pilerne, Porvorim, Bardez-Goa	III (Unreserved)
2.	V. P. Pombhurpa-Olaulim, Bardez-Goa	Nilesh Krishnanath Salgaonkar, H. No. 18/2, Bhatwada, Ecoxim, Velotim, Pomburpa, Bardez-Goa	IV (Reserved for OBC)
3.	V. P. Socorro, Bardez-Goa	Dipali Manjit Satardekar, r/o H. No. 639, Bhatkar Wado, Porvorim, Socorro, Bardez-Goa	IV (Reserved for Women)
4.	V. P. Mencurem-Dhumashe, Bicholim-Goa	Ravikant Shripad Shetye, H. No. 41, Shetyewada, Mencurem, Bicholim-Goa	I (Unreserved)
5.	V. P. Shristhal, Canacona-Goa	Urmila Umesh Bhandari, H. No. 107, Mokhard, Shristhal, Canacona-Goa	II (Reserved for OBC Women)
6.	V. P. Mollem, Dharbandora-Goa	Bhanudas Mahadev Gaonkar, H. No. 146/2, Duklem, Mollem Dharbandora-Goa	III (Unreserved)
7.	V. P. Ambelim, Salcete-Goa	Rosario Piedade Higino Silva, H. No. 271/D-1, New-Ambelim, Assolna, Salcete-Goa	V (Reserved for OBC)
8.	V. P. Se-Old Goa, Tiswadi-Goa	Namrata Nilkant Bhomkar, H. No. 142, Ella, Old-Goa	IV (Reserved for Women)
9.	V. P. St. Andre, Tiswadi-Goa	Keshav Dipu Kundaikar, H. No. 23/1, Zarichem Bhat, Goa-Velha	VI (Unreserved)
10.	V. P. St. Cruz, Tiswadi-Goa	Ana Francisca Nicholas, H. S. Fernandes, H. No. 1388, Bondir, St. Cruz-Goa	XI (Reserved for Women).

By order and in the name of the Governor of Goa.

*Gurudas P. Pilarnekar*, Director & ex officio Joint Secretary (Panchayats).

Panaji, 29th June, 2015.

## Department of Public Assistance (Provedoria)

Institute of Public Assistance

## Order

No. 1-1-2015/IPA/571

On the recommendation of the Departmental Promotion Committee, Smt. Cristina Barbosa, Stewardess is promoted to the post of Social Welfare Officer (Group 'B', Gazetted) under the cadre of Provedoria in the Pay Band PB—2 ` 9,300-34,800-plus Grade Pay ` 4,200/- (Vith Pay Commission Scale) on regular basis with immediate effect.

She will be on probation for a period of two years.

She should exercise her option for fixation of her pay under FR 22(1) (a) (1) within one month from the date of issue of this order.

She will continue to hold the charge of the post held by her prior to promotion in addition to the duties assigned as Social Welfare Officer, until further orders.

This issues with the approval of the Government vide U.O. No. 3394/F dated 22-05-2015.

Vasanti H. Parvatkar, Director, IPA (Provedoria).

Panaji, 27th May, 2015.

## Department Public Health

## Order

No. 46/2/2009-I/PHD/8757

Read: Memorandum No. 46/2/2009-I/PHD dated 07-11-2014.

A tentative seniority list in the grade of Junior E.N.T. Surgeon under Directorate of Health Services was circulated to all concerned vide Memorandum referred to above inviting their objections, if any. As so far no objections have been received, the final seniority in the grade of Junior E.N.T. Surgeon shall be as under:-

Sr. No.	Name of the Doctor	Date of appointment order	Date of joining	Date of birth	Qualification
1	2	3	4	5	6
1.	Dr. Shema Ajit Shirodkar	18-08-2009	14-09-2009	17-10-1979	MBBS, M.S. (ENT)
2.	Dr. Poonam S. Kamat	18-08-2009	28-08-2009	05-06-1982	MBBS, M.S. (ENT)
3.	Dr. Anita Hari Moraskar	24-05-2012	30-05-2012	23-01-1985	MBBS, M.S. (ENT)

By order and in the name of the Governor of Goa.

Maria Seomara D'Souza, Under Secretary (Health-II).

Porvorim, 21st May, 2015.

## Department of Public Works

Office of the Principal Chief Engineer

## Order

No. 64/5/2015/PCE-PWD-ADM(II)/73

Shri Sanjay G. Walvekar, Executive Engineer (Civil) of this Department presently on deputation to District Rural Development Agency, North, Panaji stands repatriated and posted as Executive Engineer in Division IX (PHE), PWD, Fatorda, Margao in the existing vacancy, with immediate effect, thereby relieving Shri S. M. Dhond, SE from additional charge.

Shri Walvekar, Executive Engineer (Civil) shall however, continue to hold the additional charge of the post of Executive Engineer, DRDA, North, Panaji, till the period of deputation expires in August, 2015 or alternate arrangement is made to post a substitute, whichever is earlier.

This is issued with the approval of the Government.

By order and in the name of the Governor of Goa.

D. J. S. Borker, Principal Chief Engineer & ex officio Addl. Secretary (PWD).

Panaji, 1st June, 2015.



## Department of Revenue

## Order

No. 30/1/2005-RD (Part)

Ref.: Order No. 30/1/2005-RD dated 04-10-2005.

In partial modification of the Order No. 30/1/2005-RD dated 04-10-2005, the Government of Goa is pleased to re-designate the following officers of Directorate of Settlement and Land Records, Panaji in the State of Goa, as Public Information Officer/Asstt. Public Information Officers and the Appellate Authority as required under Section 5 of the Right to Information Act, 2005 with immediate effect.

Sr. No.	Name of the Department & Subordinate Office	Designation of the Public Information Officer	Designation of the Assistant Public Information Officer	Designation of First Appellate Authority
1	2	3	4	5
1.	Directorate of Settlement & Land Records, Panaji	Superintendent of Survey & Land Records, Panaji	1) Inspector of Survey & Land Records, Panaji 2) Assistant Survey & Settlement Officer	Director.
2.	Office of the Inquiry Officer, City Survey, Panaji	Inspector of Survey & Land Records, City Survey, Panaji	Head Surveyor	Superintendent North, Panaji.
3.	Office of the Inspector of Survey & Land Records, Record of Rights, North Panaji	Inspector of Survey & Land Records, Panaji	Field Surveyor	Superintendent, North, Panaji.
4.	Office of the Inspector of Survey & Land Records, City Survey, Mapusa	Inspector of Survey & Land Records, City Survey, Mapusa	Supervisor	Superintendent, North, Panaji.
5.	Office of the Superintendent of Survey & Land Records, Margao,	Superintendent of Survey & Land Records, Margao	Inspector of Survey & Land Records, Margao	Director
6.	Office of the Inspector of Survey & Land Records, Record of Rights, South Margao	Inspector of Survey & Land Records, Margao	Supervisor	Superintendent South, Margao.
7.	Office of the Inspector of Survey & Land Records, City Survey, Margao	Inspector of Survey & Land Records, Margao	Supervisor	Superintendent South, Margao.
8.	Office of the Inspector of Survey & Land Records, City Survey, Vasco	Inspector of Survey & Land Records, City Survey, Vasco	Head Surveyor	Superintendent South, Margao.
9.	Office of the Inspector of Survey & Land Records, Quepem	Inspector of Survey & Land Records, Quepem	Head Surveyor	Superintendent South, Margao.

By order and in the name of the Governor of Goa.

*Ashutosh Apte*, Under Secretary (Revenue-I).

Porvorim, 4th June, 2015.

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